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Letter dated 2 May 2007 from the Permanent Representative of the Sudan to the United Nations addressed to the Secretary-General

With reference to your latest report on Darfur (S/2007/104), dated 23 February 2007, I have the honour to transmit to you herewith Presidential Decree No. 8 for the year 2007 establishing the Darfur Assessment and Evaluation Commission in order to promote the full and timely implementation of the Darfur Peace Agreement (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Abdalmahmood Abdalhaleem **Mohamad**
Permanent Representative

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Annex to the letter dated 2 May 2007 from the Permanent Representative of the Sudan to the United Nations addressed to the Secretary-General

[Original: Arabic]

In the name of God, the Merciful, the Compassionate

Office of the President of the Republic

Presidential Decree No. 8 of 2007 establishing the Darfur Assessment and Evaluation Commission

The President of the Republic,

Pursuant to article 33, paragraph 511, of the Darfur Peace Agreement,

Issues the decree whose text follows:

Name of the decree and effective date

1. (a) This decree shall be known as "Presidential Decree No. 8 of 2007 establishing the Darfur Assessment and Evaluation Commission" and shall enter into force as from the date of its signature;

(b) The Commission shall be independent in its actions with a view to the full implementation of the Darfur Peace Agreement and to ensuring timeliness.

Composition

2. The independent Darfur Assessment and Evaluation Commission shall be composed as follows:

(a)	Representative of the African Union	Chairman
(b)	Three representatives of the Government of the Sudan, including the Adviser to the President on Darfur Affairs	Members
(c)	Three representatives of the Sudan Liberation Movement/Army and the Justice and Equality Movement	Members
(d)	A representative of the United Nations	Member
(e)	A representative of the European Union	Member
(f)	A representative of the League of Arab States	Member
(g)	A representative of Libya	Member
(h)	A representative of the Arab Republic of Egypt	Member
(i)	A representative of Nigeria	Member
(j)	A representative of Eritrea	Member
(k)	A representative of the United States of America	Member

Terms of reference of the Commission

3. The terms of reference of the Darfur Assessment and Evaluation Commission shall be as follows:

(a) Continuously monitoring the implementation of the Darfur Peace Agreement;

(b) Assessing difficulties arising during implementation and facilitating the overcoming of those difficulties at the appropriate time;

(c) Conducting, whenever necessary, consultations and coordination with other monitoring bodies or implementation mechanisms provided for in the Darfur Peace Agreement;

(d) Staying in close contact with the parties with a view to promoting full compliance with all the provisions of the Agreement and facilitating the efforts of the parties towards that end;

(e) Coordinating and consulting, whenever necessary, with the international and regional organizations and agencies concerned with the implementation of the Agreement;

(f) Encouraging full cooperation between the parties and the international and regional organizations and agencies participating in the implementation of the Agreement;

(g) Assessing and encouraging the honouring of commitments and international support for the implementation of the Darfur Peace Agreement;

(h) Submitting periodic reports to the African Union, the Government of the Sudan and the signatory parties;

(i) Soliciting direct international financial support to facilitate its work.

Decisions of the Commission

4. The Commission shall adopt its decisions by consensus.

Headquarters

5. The Commission shall have its principal headquarters in Khartoum and may hold its meetings in any other place, as agreed by the parties.

Rules of procedure

6. (i) The Assessment and Evaluation Commission shall establish its own rules of procedure;

(ii) Without prejudice to the general principles set out above, the rules of procedure may include the terms of service of persons working with the Commission.

Budget

7. The Assessment and Evaluation Commission shall establish a budget to facilitate its work, to be adopted by the Ministry of Finance and National Economy.

Issued under my signature this fifth day of the month of Rabi` I in the year A.H. 1428, corresponding to the twenty-fourth day of the month of March of the year 2007.

(*Signed*) Field Marshal Omer Hassan Ahmad **Al-Bashir**
President of the Republic of the Sudan

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Report of the Secretary-General on children and armed conflict in Somalia

Summary

The present report has been prepared in accordance with the provisions of Security Council resolution 1612 (2005). It is presented to the Council and its Working Group on Children and Armed Conflict as the first country report emanating from the monitoring and reporting mechanism referred to in paragraph 3 of that resolution. The report covers the period from 1 January 2006 to 15 March 2007. It provides information on grave violations being committed against children in situations affected by armed conflict in Somalia.

There were several months of intensive conflict in 2006 throughout southern and central Somalia. Mogadishu was particularly affected between March and July, during which period more than 350 people are thought to have been killed. Among the victims of this violence were more than 30 children killed and injured. In December 2006 there was again an escalation in fighting as the Transitional Federal Government and allied Ethiopian troops fought the Union of Islamic Courts for control of southern and central Somalia. The early months of 2007 have been marked by widespread insecurity and violence throughout this region as the Transitional Federal Government strives to consolidate its control of the area.

The insecurity and violence in southern and central Somalia are characterized by grave child rights violations. In 2007, there have been consistent reports of children being injured, maimed or killed as a consequence of fighting in and around Mogadishu. Humanitarian access has been severely compromised during the reporting period. In the absence of institutionalized rule of law, crimes against civilians, including women and children, are committed with impunity.

The recruitment and use of child soldiers is a significant concern, with confirmed reports of this violation by both the Transitional Federal Government and the Union of Islamic Courts.

This report also outlines progress in dialogue to end violations and programmatic responses to address the situation of children. It presents a series of recommendations with a view to securing strengthened action for the protection of children in Somalia.

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I. Introduction

1. The present report specifies grave violations of child rights, as referred to in Security Council resolution 1612 (2005), by parties to armed conflict in Somalia from the beginning of 2006 to 15 March 2007.

2. Owing to the precarious and unpredictable security situation in Somalia, the United Nations country team and the monitoring and reporting task force of the country team, established pursuant to Security Council resolution 1612 (2005), are based outside the country, in Nairobi. It should be noted in particular that central and southern Somalia, where the vast majority of grave child rights violations by parties to armed conflict occur, remains a Phase V security environment which has severely limited humanitarian access by international and national child protection actors. Restriction and denial of humanitarian access has represented a significant constraint on monitoring and reporting on grave violations of children's rights, and continues to be a significant underlying challenge in the establishment of a rigorous monitoring and reporting mechanism and the implementation of other aspects of Security Council resolutions on children and armed conflict, including the establishment of systematic dialogue with parties to conflict for the preparation of time-bound action plans to end the recruitment and use of child soldiers and other grave violations of children's rights and applicable international humanitarian law. The individual incidents reported are indicative of the gravity and trends of violations.

3. The information presented below is based primarily on reports received from a variety of Somali non-governmental organizations engaged in child protection monitoring inside Somalia and confirmed to the fullest extent possible by the United Nations country team. Those reports are supplemented by additional reporting from other sources such as observer groups and Somali and international media, also verified to the extent possible by the United Nations. The incidents of grave child rights violations included in the present report have been compiled from investigation reports by 30 trained child protection monitors across the country, employed by reputable Somali non-governmental organizations involved in human rights and child protection programmes. The monitors conduct confidential first-hand interviews as a way of verifying initial information received through various sources such as local child protection networks, local non-governmental organizations, other civil society groups monitoring the human rights situation and media reports. Investigation results are entered into a database for further analysis and reporting. Child protection monitoring partners also work on a local level to try and ensure that victims receive the required services.

4. The report looks in particular at the changes in the situation of children arising from the periods of conflict in southern and central Somalia during 2006 and the first three months of 2007. While some of the incidents reported were a result of inter-clan conflict, the majority occurred as a result of the high-intensity conflict between the Union of Islamic Courts and the Transitional Federal Government and their respective allied forces, the current instability of the Transitional Federal Government and the presence of Ethiopian troops in southern and central Somalia. Specifically, the report provides information on grave violations perpetrated by the Union of Islamic Courts and the Transitional Federal Government.

II. Political, military and social developments in Somalia

5. Somalia has been without a functioning central government since the fall of the Siad Barre regime in 1991. In late 2004, the current Transitional Federal Government was formed, but was paralysed by internal division and instability until February 2006, when parliamentary sessions began following an accord between President Abdullahi Yusuf Ahmed and the Speaker of Parliament Sharif Hassan Sheikh Adan. That accord and the consequent unification of the Government in Baidoa town (the capital Mogadishu being deemed too unsafe to act as a seat for Parliament) brought tentative hope that some stability might emerge in southern Somalia. The international community reconfirmed its support to the Transitional Federal Government, the peace process and the beginnings of a comprehensive reconstruction and development phase in Somalia in early 2006. Among other issues discussed was a partial lifting of the Security Council arms embargo and the possible deployment of an Intergovernmental Authority on Development (IGAD) or African Union (AU) peacekeeping mission to Somalia.

6. The initial optimism over an improved political and security situation in Somalia was greatly eroded during 2006 with the ascendancy of the Union of Islamic Courts based in Mogadishu. The Union of Islamic Courts is a complex union of moderate and radical clerics attached to clan-based sharia courts, and dominated by the Hawiye clan. It was originally set up as a response to the lawlessness and violence prevalent in Mogadishu.

7. Between March and June 2006, the forces of the Union of Islamic Courts fought a four-month war against a grouping of southern Somalia's warlords who had come together under the banner of a coalition known as the Alliance for the Restoration of Peace and Counter-Terrorism. During this period, there was a considerably higher level of civilian deaths and injuries in the capital, including at least 30 children, as the conflict was focused in residential areas of the city.

8. The Alliance was defeated by the groups comprising the Union of Islamic Courts in June 2006, and subsequently the Union expanded its hold on the urban centres of southern Somalia. Towards the end of 2006, the Union controlled more than half the territory of the south, with the notable exception of Baidoa town which remained the temporary seat of the Transitional Federal Government.

9. For a time the Union of Islamic Courts brought a degree of peace and stability to the territory it controlled, which was unprecedented in the past 15 years. This was particularly true of Mogadishu, where armed groups had controlled different sections of the city and daily life had been characterized by lawlessness, high levels of militarization, restriction of movement for civilians and almost total impunity for acts of armed violence, killings, rapes and other crimes. The victory of the Union of Islamic Courts over the warlords in mid-2006 was greeted with widespread relief and enthusiasm by the citizens of Mogadishu, and it was reported to have brought greatly reduced levels of crime for the first time in many years.

10. In the latter part of 2006, the transitional federal institutions were considerably weakened by serious internal divisions among their leaders and reported defections of some of their forces to the Union of Islamic Courts. Their influence was largely limited to the town of Baidoa and its confines. The Government of Ethiopia had expressed serious concern at the territorial expansion of the Union of Islamic Courts and its alleged support to insurgent groups within Ethiopia. It views the growing

influence of the Union as a threat to its national security and had reportedly sent "armed military trainers" into Somalia to instruct Transitional Federal Government forces and protect the transitional federal institutions. The United States of America, Kenya and Ethiopia have expressed concern about the possibility of the Union of Islamic Courts harbouring Al-Qaida operatives alleged to be linked with the bombing of the United States embassies in Kenya and the United Republic of Tanzania in 1998.

11. The Union of Islamic Courts has received support from several States including Eritrea. The reported presence of Eritrean and Ethiopian troops has exacerbated existing tensions in Somalia.

12. In a bid to avert a war, peace talks were initiated by the League of Arab States under the chairmanship of the Sudan in June 2006. However, after two rounds of talks in Khartoum, the peace process stalled with both sides stipulating preconditions for resumption of the negotiations.

13. Although the expansion of control by the Union of Islamic Courts outside Mogadishu was largely peaceful (in most cases, towns fell to the Union without a fight or with a minimum of resistance), the atmosphere of uncertainty and the threat of conflict caused significant displacement of civilian populations in the second half of 2006. Approximately 32,000 people fled to the refugee camps in Kenya, most of them in September and October 2006, as the Union's control over southern Somali territory spread.

14. The Union of Islamic Courts, which had gained control of 18 of the country's administrative districts, was dislodged between 24 December 2006 and early January 2007 by the military forces of the Transitional Federal Government and Ethiopia.

15. Remnants of the Union forces withdrew to the southern reaches of Ras Kamboni and Afmadow in Lower Juba, where they fought against the Transitional Federal Government/Ethiopian coalition. On 8 January 2007, the United States announced that it had carried out an air strike against suspected terrorists linked with Al-Qaida who were believed to be fighting alongside the Union forces near Afmadow. Child protection monitors report that these air strikes also resulted in civilian casualties, among them children. At the same time, the Transitional Federal Government announced the closure of Somalia's borders on security grounds and called upon the international community, particularly the neighbouring States, to help enforce the closure. Sheikh Sharif Sheikh Ahmed, the former head of the Executive Committee of the Union of Islamic Courts, reportedly surrendered to the Kenyan authorities on 21 January 2007.

16. After the fall of the Union of Islamic Courts, the semblance of order and security that it had created in Mogadishu began to deteriorate. Roadblocks and checkpoints have returned together with banditry and violence, despite the efforts of the Transitional Federal Government to improve security in the capital. The Prime Minister nominated a 30-member committee to work on modalities for restoring peace and stability in the capital, but violent incidents targeting Ethiopian and Transitional Federal Government forces prompted the Transitional Federal Government, with parliamentary approval, to impose emergency laws allowing President Yusuf to govern the country by decree for a period of three months.

17. Insecurity continues to increase dramatically in Somalia, with almost daily gun, grenade and mortar attacks, most of them hitting the capital. The security situation also remains volatile in the south-west, Lower and Middle Juba regions and the Kismayo area. The fall of the Union of Islamic Courts has also brought to the fore some of the inter- and intra-clan rivalries that had been suppressed during the presence of the Union of Islamic Courts. Serious clan-related fighting has been reported in Bardera (Gedo region), Tayeglo (Bakool region) and elsewhere.

18. Public resentment of the continued presence of Ethiopians in Somalia has created a volatile situation and seriously constrained humanitarian deliveries and emergency operations in the centre and south of the country. Although the Transitional Federal Government has claimed that it is making substantial gains against Union of Islamic Courts remnants, fighting continues, especially in the Ras Kamboni and Bad-Madow areas. Security, especially in the capital Mogadishu, remains the most serious challenge for the Transitional Federal Government.

19. Pursuant to Security Council resolution 1744 (2007), which authorized States members of the African Union to establish a mission in Somalia, a first contingent of 1,100 Ugandan troops was deployed in Mogadishu in March 2007. Additional contingents from Nigeria, Ghana, Malawi and Burundi are anticipated.

III. Grave violations of children's rights

20. Children continue to be a highly vulnerable group in Somalia. Their voiceless status in culture and society, the traditional reliance on their labour for household income and their participation in defence of the clan/household (and thus in conflict) have rendered them vulnerable to abuse in the public sphere as well as their own homes. Especially vulnerable are the many displaced children living in dire conditions in internally displaced persons settlements.

21. The extremely large number of illegal small arms available in all parts of Somalia has resulted in a situation where civilian perpetrators commit acts of violence against children in an increasingly militarized society. During the reporting period, the killing and maiming of children as well as rape and other sexual violence has been carried out by armed civilians who are not necessarily associated with the political conflict. Appreciation and analysis of the patterns of violence against children in Somalia requires an understanding of the ready availability of weapons in civilian spheres, the breakdown of law and order and the climate of impunity for crimes against children and violation of their rights.

22. In 2006 and the early months of 2007, there has been a marked shift in the context of grave violations from intermittent, isolated inter-clan confrontations to more systematic conflict of a political nature, resulting in more pronounced effects on children. The increased and targeted recruitment of children along with the greater number of children killed and maimed as a result of open and sustained hostilities have been a significant feature of the conflict between the Union of Islamic Courts and the Transitional Federal Government as well as the current state of insecurity in southern and central Somalia.

A. Denial of humanitarian access and targeting of humanitarian workers

23. Denial and restriction of humanitarian access represents the most serious challenge to effective monitoring and reporting on grave child rights violations by parties to the conflict, not to mention the delivery of aid. Humanitarian access has been impacted by perceptions concerning the independence of humanitarian actors from partisan foreign efforts in support of one or the other side in the current conflict. For instance, the Monitoring Group on Somalia noted in its November 2006 report (S/2006/913, para. 10) the arrival in Mogadishu of a Djibouti Airlines aircraft carrying medicines and military uniforms intended for the Union of Islamic Courts. The equipment is reported to have been supplied by the Government of Djibouti, although they have denied it. The cargo was disguised to appear as a consignment from the Red Crescent Society of Djibouti. It is clear that these sorts of shipments can jeopardize future humanitarian efforts. As it is, humanitarian access to important regions of Somalia is tenuous.

24. For approximately a decade, Mogadishu has not been sufficiently secure to be used as a base for the United Nations country team, which operates out of Nairobi. The Somali capital has thus been inaccessible to international humanitarian personnel for many years, and this has had serious consequences for the monitoring and accountability of programmes. Since Mogadishu hosts an estimated population of 250,000 internally displaced persons, lack of access has severely affected the most vulnerable and needy. There are several other areas of southern Somalia, notably Kismayo town and other parts of Lower Juba, which have been inaccessible to international aid workers for some time, including the whole of 2006 and to date in 2007.

25. During the reporting period, the security situation in Somalia has fluctuated, resulting in periodic prohibitions on international travel to other parts of southern Somalia. From July 2006, this ban was extended to Jowhar in Middle Shabelle, which until then had been a base of operations for many United Nations agencies. Briefly, during August 2006, one-day missions were made by some United Nations staff to Mogadishu in the light of the new sense of peace and security brought about by the victory of the Union of Islamic Courts. Given the context of heightened insecurity in southern and central Somalia during the first months of 2007, travel restrictions have been reimposed and much of the region remains inaccessible to the international humanitarian community.

26. In addition, for several years piracy off the coast of Somalia has been a serious problem for aid agencies attempting to deliver food and other supplies. A spate of ship hijackings in 2005, including the detention of two ships contracted by the World Food Programme (WFP), made sea transport to Somalia extremely dangerous and forced WFP to use overland routes to transport food from the port of Mombasa in Kenya. Maritime piracy is reported to have been significantly reduced during the takeover of much of southern Somalia by the Union of Islamic Courts. In February 2007, a WFP-chartered vessel was again hijacked off the north-east coast of Somalia after unloading 1,800 tons of food aid in Bossaso. Since then, WFP has had difficulty contracting additional ships to deliver necessary food aid.

27. The closing of the Kenya-Somalia border since January 2007 has also resulted in the denial of humanitarian access. Reports in January and February estimated that

as many as 1,160 families were displaced in the border areas of Doobley, Tabda, Qoqani and Hayo in Juba Hoose district. Although many of them did receive some humanitarian assistance, there has been an urgent need among them for health services. The displaced had earlier been crossing into Kenya for medical assistance but that is now prohibited by the border closure. Further, permission for humanitarian cargo to cross the Kenyan border into Somalia is being granted on an ad hoc basis, causing significant concern, especially in anticipation of the rainy season due to begin in April.

28. In the beginning of 2007 there have been several reported attacks on human rights advocates. On 14 March, a prominent child rights activist, Isse Abdi Isse, Chairman of the Somali human rights organization Kisima of Kismayo, was shot and killed by unidentified assailants in Mogadishu. The Humanitarian Coordinator for Somalia has called for the Somali authorities to conduct a full investigation of this incident.

29. A non-governmental organization reported that on 13 March a mortar landed in a sports ground where children were being trained under one of its projects, resulting in the death of one child and injuries to another child and the instructor. The organization has temporarily suspended programme activities in Mogadishu.

B. Killing and maiming of children

30. During 2006 and the beginning of 2007 children have been victims of armed violence in several areas of Somalia as a result of a variety of unrelated conflicts and disputes, including clan-based conflict as well as politically and criminally motivated violence. The violence peaked during the four months of intense fighting for control of Mogadishu in 2006 (see para. 7 above); during the fighting between the Union of Islamic Courts and the Transitional Federal Government and Ethiopian troops throughout central and southern Somalia in December 2006; and in the ongoing strife between different parties in Mogadishu since the beginning of 2007.

31. During the period from March to June 2006, children were disproportionately affected by violence as much of the fighting took place in residential quarters of Mogadishu. Confirmed reports by the International Committee of the Red Cross and Somali Red Crescent Society in May 2006 indicated that over 350 people had lost their lives in the fighting and more than 1,500 had been treated in hospitals for conflict-related injuries. The total number of child victims is unknown, but reports from child protection organizations cite more than 30 children killed or injured in the capital during this period, of which five were confirmed killed in May 2006.

32. Child protection monitors report that children actively involved in the fighting in southern Somalia in December 2006 were among the casualties resulting from that conflict. Monitors also report children being indirect victims of the fighting during that period. For example, on 28 December, an 11-year-old street child was killed by a bomb reportedly exploded by the Transitional Federal Government in Dhusamareb.

33. Violence in Mogadishu has escalated since the Ethiopian troops arrived in December 2006. Targeted attacks against the Transitional Federal Government and Ethiopian troops take place almost daily, followed by retaliations. Civilians are frequently caught in the cross-fire, particularly displaced people living in

settlements close to military or government buildings. Child protection monitors have reported cases of children injured or killed as a result of indiscriminate shooting and shelling, caught in their homes, in the street, in vehicles or walking home from school. The ages of child victims range from seven months to 18 years. In February two such incidents were confirmed: the death of a 16-year-old girl from injuries caused by explosives reportedly fired by the Ethiopian Forces, and a 14-year-old girl seriously wounded in her family home in Hodan District, Mogadishu, by mortars fired by Ethiopian Forces.

34. A non-governmental organization reported on 25 February 2007 that since the beginning of the year more than 430 war-wounded had been admitted to two of Mogadishu's three hospitals. In February alone, Keysaney Hospital, run by the Somali Red Crescent Society, and Medina Hospital admitted more than 200 wounded, including at least 30 women and 24 children. The exact death toll, estimated at several dozen, remains unconfirmed. Owing to a lack of means, some displaced people wounded in these attacks do not even make it to the hospital.

35. In addition to the conflict in Mogadishu, children were victims of killing and maiming as a direct consequence of the ready availability of small arms in Somalia. Personal quarrels, arguments over prices, clan disputes, land disputes and other types of friction can lead to violence with children often caught in the cross-fire. Generalized violence by clan groups for criminal reasons or for purposes of revenge is widespread and takes place in a climate of impunity.

36. Disputes over khat (a green leaf chewed for its narcotic effect by adult men in Somalia), the procurement and sale of which is mainly carried out by women and children, have resulted in a significant number of killings of children during the reporting period. The khat industry represents a $300,000 per day business mainly controlled by armed groups, warlords and prominent businessmen.

37. Due to security constraints and difficulties of access, landmine incidents are not systematically reported and statistics are rarely disaggregated by age. More common are accidents involving unexploded ordnance and other explosive remnants of war. For example, in June 2006, two children were hurt and one injured in an unexploded ordnance incident in Burco, "Somaliland". At least three accidents involving children killed or hurt by tampering with unexploded ordnance have been recorded since the outbreak of conflict in southern Somalia, including one such incident in August 2006 in Kongo, near Jowhar, in which a 4-year-old was fatally wounded and three of his siblings were injured while playing with a hand grenade.

C. Recruitment and use of children in armed forces and groups

38. One of the challenges in addressing the recruitment and use of children in fighting forces is the fact that this is a long-standing practice in Somali culture. Boys over the age of 15 are considered adults and as such it is considered acceptable for them to carry arms. Moreover, given the nomadic and clan-based structure of traditional Somali life, boys have historically been expected to defend family or clan property from a young age. The use of children in conflict is thus particularly pervasive and difficult to challenge. Furthermore, displacement, abandonment and neglect, orphanhood and destitution have made many children, especially those living and working on the streets, particularly vulnerable to recruitment.

39. Reports indicate that the recruitment of children significantly increased in 2006 due to the conflict in Mogadishu between the Union of Islamic Courts and the warlord groups of the Alliance for the Restoration of Peace and Counter-Terrorism, as well as the conflict throughout central and southern Somalia between the Union of Islamic Courts and the Transitional Federal Government. However, the number of children recruited or involved in the hostilities cannot easily be verified as there is no birth registration in Somalia, making it difficult to determine the age of an adolescent or young person involved with an armed group.

40. Beyond the widespread eyewitness reporting of children as young as 11 years of age at checkpoints and in the vehicles of various parties to the conflict in Mogadishu in 2006, interviews were conducted by child protection monitors with 14 boys actively serving in the Union of Islamic Courts and armed groups. More specific information pertaining to recruitment and use of child soldiers includes the following:

(a) In mid-2006, in Mogadishu in particular, the armed group of warlords Abdi Qeybdid and Musa Sudi Yalahow recruited children as young as 13 years. There were also reports of several children as young as 7 years old in the employ of armed groups in Galgadud, in Dusamareb;

(b) Youths from the North Eastern Province of Kenya, according to the Provincial Commissioner, were recruited in the last three months of 2006 by rival armed groups preparing to fight in Somalia. Reports indicate that young people were crossing into Somalia during this time to take part in a jihad declared by the Union of Islamic Courts;

(c) The Union of Islamic Courts were responsible for significant levels of new child recruitment in the latter part of 2006. In the name of the jihad which they had declared against Ethiopian troops allegedly present on Somali soil, identification and training of new recruits became a priority. The Union of Islamic Courts declared publicly its intention to recruit from schools, and appointed Sheikh Fu'aad Mohamed Khalaf to be in charge of training students for this purpose. Intensive recruitment of boys and girls from schools in Mogadishu and elsewhere was undertaken in the last months of 2006. Headmasters from a variety of Mogadishu schools were called to meetings in September 2006 in which they were each required to commit a quota of 300 to 600 adolescent schoolchildren to a military training programme of up to six months;

(d) Significant photographic evidence from credible news outlets and sometimes the armed groups themselves shows the use of children in armed forces in Somalia. For instance, a photograph from 3 December 2006 shows a child in full uniform and armed with an assault rifle participating in the confiscation of khat by the Union of Islamic Courts in Mogadishu. The child's age is estimated at 13 years. Photographs from a demonstration against the IGAD peacekeeping mission held on 8 December 2006 in Mogadishu, displayed on the official website of the Union of Islamic Courts, showed children who looked as young as five in full uniform carrying assault rifles. In one photograph, Indhacade, a prominent warlord allied to the Union from Merka, is shown with the children. Also on 8 December 2006, several photographs of adolescents in school uniforms carrying assault rifles and demonstrating against foreign troops coming to Somalia were shown on a local news website. A photograph from 14 December 2006 shows young Somali Government

recruits, including children appearing at most 16 years old, lined up in formation in a forward training camp near Manas, 30 kilometres north-west of Baidoa;

(e) There are several reports of children figuring among Union of Islamic Courts troops injured or killed in the fighting in December 2006. A United Nations staff member in Baidoa reported that his 12-year-old son was recruited from a Mogadishu school by the Union and brought to Deynunay front (20 kilometres east of Baidoa) in late December. Several of the boy's classmates died in the fighting.

41. Following the fighting between the Transitional Federal Government and the Union of Islamic Courts in December, reports were received from child protection monitors of children who had fought with the Union being held in detention by the Transitional Federal Government. Reports were received of children fleeing their homes, and of injured child combatants fleeing hospitals, for fear of retaliation by the Transitional Federal Government. The United Nations Children's Fund (UNICEF) has urged the Transitional Federal Government to ensure the protection and return to their families of any children who were involved in the hostilities. The Transitional Federal Government has assured UNICEF of its commitment in this regard. By the middle of January, reports were received from some protection monitors of children associated with the Union of Islamic Courts being released by the Transitional Federal Government, although the lack of access to detention centres has made it difficult to confirm such reports.

42. In January 2007, a senior United Nations official visited Mogadishu and was an eyewitness to children under 18 years of age in military uniform patrolling the airport. The Transitional Federal Government has subsequently recognized that it does have children in its military ranks. In February 2007, the Ministers of Health and of Women's Development and Family Affairs attended a conference in Paris that endorsed the Paris Commitments to protect children unlawfully recruited or used by armed forces or armed groups. The Ministers requested assistance from the international community to address the problem of children in the Transitional Federal Government armed forces.

43. One report was received from a child protection monitor regarding the recruitment in January of children by Transitional Federal Government forces in "Puntland". The United Nations subsequently communicated its concern regarding child recruitment to "Puntland" authorities who gave their commitments to prevent such actions.

D. Sexual violence

44. Of the more than 40 child rape cases reported in 2006 by the child protection monitors, fewer than half are alleged to have been carried out by parties to the conflict. The fighting in Mogadishu and in other southern towns has not been characterized by sexual violence against members of the civilian population. Nevertheless, women and girls are rendered more vulnerable to sexual violence by displacement, destitution and the breakdown of the rule of law, factors that are exacerbated by the conflict.

45. There have been no reports of rape or sexual violence committed by members of armed groups or soldiers in the context of the fighting. The Union of Islamic Courts reportedly took measures to improve the security situation in Mogadishu and

elsewhere. Much of the criminal activity that was carried out with impunity by the soldiers of former warlords, from extortion at checkpoints to rape of women in displaced persons settlements, was brought to an end while the Union of Islamic Courts had control in most of southern and central Somalia. During that time women reported feeling safer from attack on the streets of the city than they had in many years.

46. In 2007, high levels of insecurity and criminal activity have returned to southern and central Somalia and reports of rapes, killings, extortion and torture at checkpoints controlled by local militias are once again being received from protection monitors. There are several reports of girls being raped at checkpoints or within their communities. Due to a lack of government control and institutionalized rule of law, such violations are often carried out with impunity.

47. Sexual violence against women and girls, particularly in situations of population displacement, is a recognized phenomenon throughout Somalia and such crimes are often carried out with impunity. Frequently, traditional and community justice mechanisms propose solutions such as payments to the family of the victim by the perpetrator or his clan, or even marriage of the victim to the perpetrator. Early and forced marriage are also a long-standing custom in Somali culture, rendering young girls especially vulnerable to rape and sexual violence. Some of the reported rape cases during 2006 involved girls as young as 11 years of age. Domestic violence, particularly against women and girls, is a significant problem.

48. Research carried out by UNICEF and the United Nations Development Programme (UNDP) on traditional response to justice for children in "Somaliland" revealed that many communities are concerned about gang rapes being carried out by young men against girls. Traditional and community justice is reportedly responding to such cases in much the same way as it has to rape cases involving one perpetrator.

49. The following specific incidents were among those reported:

(a) On 22 February, two girls were raped in Labmar Lixdan village in Merka district, Lower Shabelle region, when the civilian transport vehicle they were travelling in was hijacked at a check point by an unidentified militia;

(b) On 23 February, a girl was raped by a well-known former militiaman;

(c) On 24 February, a 12-year-old girl was raped by unidentified men in Baidoa.

E. Attacks on schools and hospitals

50. Attacks on schools and hospitals have not been a prominent characteristic of the conflict in Somalia. However, amid the clashes that occurred between March and June 2006, the Alliance for the Restoration of Peace and Counter-Terrorism was the main perpetrator of the attacks on a school bus and hospital in the incidents cited below:

(a) In February 2006, a school bus carrying children in central Mogadishu was attacked by gunmen loyal to one of the warlords participating on the side of the Alliance in the conflict. The bus was commandeered but the children were released unhurt. However, some of the children tried to escape through the windows of the

bus and were hurt falling from the vehicle, with a marked public outcry over the incident;

(b) On 29 May 2006, in a clear breach of international humanitarian law, fighters from the groups of the warlord Musa Sudi Yalahow, a member of the Alliance, occupied a major hospital run by the International Committee of the Red Cross (ICRC) and the Somali Red Crescent Society in northern Mogadishu, one of two facilities offering free medical assistance to victims of war. Most of the patients were evacuated in the course of the morning and medical operations were hampered despite pleas from ICRC and the Somali Red Crescent Society. The occupation lasted several days until the Union of Islamic Courts drove the groups out in the course of their take-over of the capital.

F. Abductions

51. Abduction in Somalia is generally done for the extortion of ransom money. A 2005 Oxfam human rights status report indicates that people believed to have relatives abroad are the most likely targets. However, abduction and kidnapping are some occasions also connected to clan disputes or political manoeuvrings.

52. In April 2006, two boys aged 12 and 13, were kidnapped in separate incidents in connection with the fighting between the Alliance for the Restoration of Peace and Counter-Terrorism and the Union of Islamic Courts in Mogadishu. Both were sons of prominent religious leaders associated with the sharia courts. In both cases, ransoms were demanded but the political nature of the incidents and the links to the fighting were clear. Both boys were released unharmed by the armed groups of the Union of Islamic Courts and in one case those responsible were handed over to the police. Public and media reaction to the abductions was notable, with a widespread outcry in Mogadishu. It appears that public pressure contributed to the safe conclusion of both incidents.

53. A number of internally displaced persons' settlements in "Somaliland" and "Puntland" are located on private land and landlords reportedly resort to various coercive measures, including abduction of children, to force parents to pay the rent.

IV. Dialogue and action plans to redress violations of children's rights

54. At the beginning of 2006, a working group of humanitarian agencies involved in protection issues in Somalia was established in Nairobi in accordance with the global cluster approach adopted by the Inter-Agency Standing Committee. The focus of the group is to coordinate joint advocacy and response to negative trends in the broad area of protection of civilians, with a special focus on women, children, internally displaced persons and other vulnerable groups. This group has been mirrored by the creation of protection clusters for "Somaliland" and "Puntland" and by a proposed working group of protection agencies in Mogadishu. A protection monitoring sub-group, which includes the Task Force on resolution 1612 (2005), was also set up in Nairobi to develop a more systematic mechanism for monitoring protection violations, in particular the child rights violations specified in Security Council resolution 1612 (2005).

55. Joint advocacy has centred around an advocacy plan developed by the Inter-Agency Standing Committee in 2006. The advocacy strategy focuses on humanitarian access and adherence by all parties in Somalia to humanitarian principles and international human rights standards. The main audiences for this advocacy will be the various institutions of government existing in "Somaliland", "Puntland" and central and southern Somalia, in particular the Transitional Federal Government, as well as donors and other stakeholders in Somalia. Joint advocacy led by the Humanitarian Coordinator will also be directed at groups such as traditional leaders, the media and religious leaders.

56. Child protection monitoring partners, all of whom are Somali non-governmental organizations in partnership with UNICEF, are members of regional child protection networks to whom they report violations. The networks take decisions at regional level as to how they can respond to the most egregious violations. These responses often take the form of advocacy with local government and sometimes with perpetrators. Other members of the networks are sometimes able to provide services for survivors of such violations.

57. UNICEF has supported ongoing advocacy through radio to appeal to parties to the conflict to respect the rights of children and other civilians, and to refrain from using children in the conflict. Although public reaction to the killing and maiming of children during the conflict has reportedly been strong, and the media reaction was equally forceful, warring parties have not refrained from indiscriminate exchange of fire and shelling in residential areas of the city.

58. UNICEF has supported Somali non-governmental organizations in conducting dissemination and advocacy sessions with parliamentarians from the Transitional Federal Government, and in 2006 with prominent members of the Union of Islamic Courts, focusing in particular on the illegality under international criminal law of using children in conflict, as well as on other child protection issues.

59. The Office of the United Nations High Commissioner for Refugees (UNHCR) has trained a pool of 36 protection monitors representing 18 local non-governmental organizations in protection monitoring principles and methodologies. The monitors report on a regular basis on human rights violations in Somalia, with a particular focus on violations of the rights of internally displaced persons, including displaced children.

60. The United Nations country team undertook several missions to Mogadishu between July and September 2006 to consult with the leadership of the Union of Islamic Courts. During the first of these visits the issue of landmines and unexploded ordnance was raised, as several accidents involving children and resulting in the death of at least one child had been reported in recent months. The Union made verbal commitments to ensure that the issue of unexploded ordnance would be addressed. During the second mission, the issue of child recruitment was raised by representatives of the country team, including the Humanitarian Coordinator. Once again, the Union of Islamic Courts responded positively, acknowledging that child recruitment should be halted, but there was no evidence of any action taken to that effect.

61. Somalia is a signatory to the Convention on the Rights of the Child, but has still not ratified this instrument. UNICEF has made some initial overtures to the Transitional Federal Government on the issue of ratification, including some

awareness-raising work with parliamentarians. However, given the developments in 2006 and the extreme fragility of the Transitional Federal Government in 2007, this process has been suspended pending greater stability and clarity.

62. In 2007, the country team hopes to orient its advocacy with the Transitional Federal Government towards a closer examination of child rights issues as enshrined in Islam, and an appeal to respect the Islamic requirement that all people protect children. This is likely to be done in cooperation with Islamic scholars and groups from other Muslim countries of the region and elsewhere.

63. In February 2007 UNICEF supported the participation of the Transitional Federal Government in the conference on the Paris Commitments (see para. 42 above). Following this event UNICEF offered to support the Transitional Federal Government in developing a programme of action for the demobilization of children from its armed forces and the prevention of future child recruitment. A response and follow-up to this offer is still pending.

V. Follow-up and programmatic response to violations

64. During late 2005, in May 2006 and in March 2007, UNICEF and Oxfam held training sessions for almost 50 persons from the current pool of child protection monitoring organizations. The training focused on the background to Security Council resolution 1612 (2005), the requirements of reporting and the necessary security elements for sound information-gathering and management. The trainings also stressed the importance of joint advocacy efforts by child protection networks and organizations.

65. Sensitization training was also conducted in 2006 for selected members of the radio media from all zones of Somalia, in order to promote correct reporting of child rights violations and broader understanding of the significance of these crimes in the context of international law. In Nairobi, UNICEF and agencies of the protection cluster have established a database for storage and management of the information collected. The database is accessible to a limited number of protection-oriented agencies and will provide the information base for future advocacy.

66. In March 2006, UNICEF conducted training sessions on sexual and gender-based violence for its team of child protection advocates who work at community level in all areas of Somalia and for other relevant staff of non-governmental organizations. The training was designed to strengthen the skills of protection workers who mobilize communities to protect children from sexual and gender-based violence in the many forms in which it manifests itself in Somalia. It was followed up with a workshop on service provision and referral in Hargeisa, "Somaliland", at the end of the year. Sexual and gender-based violence will feature as a priority area for advocacy and programming for protection agencies in 2007. UNICEF child protection advocates mobilize communities on a range of child protection issues throughout Somalia.

67. UNICEF is supporting capacity-building in psychosocial support and service delivery for local non-governmental organizations, teachers and health workers throughout Somalia.

68. Advocacy for prevention of child recruitment and integrated programming efforts to address the needs of children associated with armed conflict have been

developed during 2006 in a UNICEF strategy for the coming five-year period. This strategy is to be endorsed by the United Nations country team and will be used as a platform for concrete action as well as resource mobilization. It aims to harmonize efforts against child recruitment with ongoing demobilization and security sector reform programmes of UNDP and others, as well as to raise awareness of the issue of child recruitment at community level.

69. In January 2006, UNICEF supported mine risk education training for the Puntland Mines Action Centre. Mine risk education materials are being used in school clubs and will be utilized in 2007 in community mobilization programmes in the relevant areas of the country. Further training will be organized in 2007.

VI. Recommendations

70. I am deeply concerned over the continued lack of humanitarian access in Somalia, particularly in the central and southern regions, for international and national child protection actors. The lack of access has serious implications for child protection programmes and for the establishment of the mechanism for systematic monitoring and reporting on grave violations against children. I call upon all parties to the conflict to ensure unhindered and safe humanitarian access to children, denial of which is considered a grave violation of children's rights. I urge all parties to allow the free passage of consignments of humanitarian aid, to respect the exclusively humanitarian nature and impartiality of aid, and to respect the markings and emblems of humanitarian organizations without distinction, noting that failure to do so place the lives of humanitarian workers in grave danger.

71. I call upon the Transitional Federal Government to engage in a genuine reconciliation process with all factions within the country in building a Government and State institutions to ensure peace, security and stability and allow for the development and reconstruction of Somalia. I urge all parties concerned in the reconciliation process to ensure that the ongoing negotiations and eventual agreements explicitly reflect child protection considerations and provisions so as to secure adequate resources and attention for children in post-conflict rehabilitation and reconstruction programmes.

72. I strongly urge the Transitional Federal Government to take the necessary actions for the unconditional demobilization of all children present in any capacity in its armed forces and to stop all new recruitment of children. Furthermore, I call upon the Transitional Federal Government to explicitly renounce the recruitment and use of children in armed forces and to affirm its adherence and respect for international standards on the use of children in armed conflict, taking concrete steps towards ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, as well as the Convention on the Rights of the Child itself, and to align national legislation with this commitment.

73. I call upon the Transitional Federal Government and all armed forces or groups in the country to fully comply with their obligations under international humanitarian law, particularly as it relates to the protection of civilian populations and property during combat, and urge that all efforts be made to minimize civilian casualties during fighting. I urge the international community to provide the necessary assistance in this regard.

74. I encourage the Transitional Federal Government, with the necessary assistance from the international community, to control the proliferation of small arms, as their ready availability renders children more vulnerable to grave violations such as killing and maiming and recruitment and use by armed groups, and increases the risk and level of crimes committed against children.

75. I appeal to the Transitional Federal Government to launch investigations into the incident of the killing of a child protection monitor as cited in the present report, as well as all incidents of grave child protection violations, and to bring the perpetrators to justice.

76. I strongly urge any remnants of Union of Islamic Courts forces and all other armed groups to cease the practice of recruitment and use of children in direct violation of international humanitarian law, and to take the necessary actions for the unconditional demobilization of all children present in any capacity in their armed forces.

77. Cognizant of the significant access and security constraints, I call upon the United Nations country team to continue to establish systematic protection dialogue with all the parties to the conflict for the development of concrete, time-bound action plans to end the recruitment and use of child soldiers as well as other grave violations against children.

78. I encourage relevant authorities in Somalia to build the child protection capacity and commitment of law enforcement and judiciary officials, including the prevention of excessive or illegal use of force that may result in arbitrary killings or other serious violations against children, and to ensure that grave violations against children are rigorously investigated and prosecuted to address the prevailing culture of impunity.

79. In view of the grave security situation in Somalia, the 1992 arms embargo on Somalia concerning provision of military material and other forms of military support should continue to be enforced. To this end, I commend the extension of the mandate of the Monitoring Group on Somalia under Security Council resolution 1724 (2006). I call upon Member States to immediately stop the exportation of arms to Somalia in violation of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, and in coordination with the United Nations, to destroy all anti-personnel mines that have recently been imported. I further urge all parties that have not done so to sign and adhere to the Geneva Call's Deed of Commitment for Adherence to a Total Ban on Anti-Personnel Mines and for Cooperation in Mine Action.

80. I appeal to Kenya to consider opening its border with Somalia to facilitate access to humanitarian aid, while putting in place necessary screening procedures to allow asylum-seekers, particularly women and children, to seek refuge and protection.

81. I stress the need for the international community, including donors, to dedicate adequate and timely support and resources, to make a longer-term commitment and to apply a more systematic approach to efforts to strengthen local capacity in the areas of advocacy, community awareness and response to child rights violations. The child protection mechanisms in the Somali refugee camps in Kenya and in the many existing and potential internally displaced persons settlements in Somalia, and

for more concerted international advocacy and awareness-raising on the plight of children in the country.

82. In view of the current deployment of troops of the AU Military Observer Mission in Somalia (AMISOM), I strongly appeal to the African Union to ensure that child protection is prioritized, including the establishment of an effective mechanism for the good conduct and discipline of AMISOM with regard to child and civilian protection in Somalia. In this regard, I urge the African Union to articulate a commitment to these issues in its code of conduct for AMISOM to appoint a child/civilian protection adviser within the Mission to serve as the focal point for training, monitoring, reporting and promoting good conduct on child and civilian protection by AMISOM troops.

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Report of the Secretary-General on children and armed conflict in Uganda

Summary

The present report has been prepared in accordance with the provisions of Security Council resolution 1612 (2005). It is presented to the Council and its Working Group on Children and Armed Conflict as the first country report on Uganda from the monitoring and reporting mechanism referred to in paragraph 3 of that resolution.

The report, which covers the period from 8 June 2006 to 15 March 2007, specifies incidents of grave children's rights violations and abuses, indicative of their nature and trends in Uganda.

The report explicitly identifies parties to the conflict that were referred to in my 2006 report on children and armed conflict (S/2006/826 and Corr.1): the Uganda People's Defence Forces and its allied local defence units, as well as the Lord's Resistance Army.

The report highlights the work of the Uganda Task Force on Monitoring and Reporting in establishing relevant mechanisms to carry out its functions in accordance with Security Council resolution 1612 (2005) and the preliminary steps taken by the Government of Uganda to address violations against children, in particular the drafting of an action plan to eliminate the use and recruitment of children in armed conflict. The limited number of cases reported in the report is attributable to the fact that the Task Force was only recently in a position to rely on a network of monitors specifically trained to report on six grave violations and abuses of children's rights in implementation of resolution 1612 (2005).

The report also contains a series of recommendations with a view to securing strengthened action for the protection of war-affected children in Uganda.

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I. Introduction

1. The present report, prepared in accordance with Security Council resolution 1612 (2005), covers the period from 8 June 2006, when the first meeting of the Uganda Task Force on Monitoring and Reporting was launched by my Special Representative for Children and Armed Conflict, to 15 March 2007. The Task Force is chaired jointly by the United Nations Children's Fund (UNICEF) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) and includes Save the Children in Uganda and the Uganda Human Rights Commission.

2. Introductory training sessions of relevant partners, mainly local networks of protection monitors, camp managers and other non-governmental and community-based organizations, were held from October 2006 to January 2007. A full-time focal point within the Task Force was appointed in December 2006, to strengthen the existing monitoring and reporting programmes of OHCHR and UNICEF in the districts. The incidents of violations and abuses cited for the reporting period serve only as an illustration of the nature and trend of continuing challenges regarding the respect, protection and fulfilment of children's rights in armed conflict in Uganda.

3. The report explicitly identifies parties to the conflict that were referred to in my 2006 report on children and armed conflict (S/2006/826 and Corr.1): the Uganda People's Defence Forces (UPDF) and its allied local defence units, as well as the Lord's Resistance Army (LRA). This is not intended to exclude future reporting on child rights violations and abuses committed potentially by other armed forces and groups operating in the framework of the armed conflict in Uganda. The report identifies parties to the conflict responsible for grave violations and abuses committed against children covered under the monitoring and reporting mechanism as endorsed by the Security Council in its resolution 1612 (2005). The Task Force has recently started to monitor the Karamoja and Teso region. Karamoja, a region in the north-eastern part of Uganda, is characterized by recurrent problems of proliferation of illegal firearms, cattle rustling, looting, ambushes and other acts of criminality, political marginalization and a general lack of central government services, including inadequate social, medical and judicial institutions. Owing to the continuing insecurity and proliferation of weapons in the region, and in follow-up to several earlier disarmament initiatives, the Government of Uganda and UPDF launched a renewed disarmament campaign in May 2006. The ongoing disarmament exercise is implemented by using a method referred to as "cordon and search", whereby the army surrounds huts and searches for firearms. Since its inception, allegations of human rights violations, affecting women and children, linked to the ongoing forced disarmament process have been continually reported and denounced by local non-governmental organizations and the international community. Teso region has a population of displaced persons caused both by LRA activities and armed Karamojong cattle raids. At the time of writing the Task Force had not launched the training on monitoring called for in Security Council resolution 1612 (2005) in those regions, therefore it was decided to limit the geographical scope of the present report to Acholi and Lango regions, The Task Force will be in a position to provide more details on the human rights situation in Teso and Karamoja in time for my next report.

4. The report also highlights the work of the Task Force in establishing mechanisms to carry out its functions in accordance with Security Council resolution 1612 (2005), as well as the preliminary steps taken by the Government of

Uganda to address violations against children in the context of the armed conflict, in particular the formulation of an action plan in conjunction with the Task Force and the wider United Nations country team.

II. Political, military and social developments in Uganda

5. My 2006 report on children and armed conflict listed Uganda among the countries where parties to armed conflict recruited or used children and were responsible for other grave violations, and referred specifically to UPDF, the local defence units and one armed group, LRA.

6. As my Special Representative for Children and Armed Conflict concluded at the end of her mission to Uganda in June 2006, although the Government of Uganda does not have an official policy to recruit children, children are present among its armed forces, especially within the local defence units. Field-based research indicates that UPDF recruits young boys to serve within its auxiliary forces, in particular the local defence units, which are also known as "home guards". The latter, often with the consent or even the urging of their families, willingly join such forces, attracted by the prospect of receiving wages and providing security for their homesteads or camps. Age verification is rarely carried out during enrolment or training processes. In addition, after having been trained, many of these children do not return to their home areas, and are said to be fighting alongside UPDF.

7. Although the 2005 Uganda People's Defence Forces Act prohibits the recruitment of children under the age of 18 years, the lack of effective monitoring at the local level leads to children continuing to join some elements of the armed forces. Factors contributing to the problem include extreme poverty within internally displaced persons camps and corruption of members of local council executive committees who provide birth certificates to teenagers on demand, for a fee. In that respect, it must be noted that the 2005 Act provides that every person who wishes to be recruited into the defence forces must first get the recommendation of his or her village local council. UPDF must strictly adhere to and monitor recruitment procedures as well as investigate any case of alleged violation of the relevant provisions of the 2005 Act, especially as they relate to requirements for recruitment into the armed forces.

8. While the local defence units are not specifically regulated by law, they are de facto under the responsibility of the regular armed forces of Uganda and receive their training and arms from UPDF. They operate under the command and control structure of UPDF and when they have contravened its orders or the law, they are tried before a UPDF court martial. In that respect, it is significant that there are no signs of the release of the 1,128 children reported to have been mobilized into local defence units in late 2004 in Kitgum, Pader and parts of Teso region.

9. In addition, cases continue to be reported of rape and other forms of sexual violence against girls by Government military personnel, in particular in internally displaced persons camp settings and return areas.

10. The latest figures from 2005 suggest that as many as 25,000 children may have been abducted since the onset of the conflict in northern Uganda in Kitgum and Gulu districts, later leading to the phenomenon of night commuting to avoid abduction and other human rights abuses. According to the UNICEF databank

figures on night commuters, 44,000 children and adults were moving nightly during the peak of hostilities in 2004, to take refuge in urban centres, avoiding the risk of being abducted or subjected to other human rights abuses. Children have been used as combatants, porters, informants and other service providers, including sexual slaves. However, the total number of abductions and of night commuters has significantly reduced since its peak in 2004.

11. In that respect, it is important to recall that, on 8 July 2005, Pre-Trial Chamber II of the International Criminal Court issued arrest warrants for LRA leader Joseph Kony, his deputy Vincent Otti, and LRA commanders Raska Lukwiya, Okot Odiambo and Dominic Ongwen. Public redacted versions of the arrest warrants were released on 13 October 2005. All five leaders are charged with war crimes and crimes against humanity, including rape, murder, sexual enslavement and the forced enlisting of children.

12. It must be noted that LRA is not currently active within the territory of Uganda, hence the inability of the Task Force to monitor, verify and report allegations of abuses committed against children by the LRA either in the Democratic Republic of the Congo or southern Sudan, where it is reported the LRA armed group is currently present. In agreement with the United Nations country team in the Sudan, any violations committed by LRA in Sudanese territory will be reflected in the report to the Security Council on the Sudan and will not feature in the present report.

Situation of the armed conflict affecting the northern part of Uganda and the peace process

13. The peace talks between the Government of Uganda and LRA officially opened on 14 July 2006 in Juba, southern Sudan, under the mediation of the Vice-President of Southern Sudan, Riek Machar. The Parties signed a formal Cessation of Hostilities Agreement on 26 August 2006, which was extended until 28 February 2007.

14. It was initially expected that the prospects of the signing of a peace agreement would mean a potentially significant increase in the number of child soldiers released by LRA. However, despite repeated pleas by various stakeholders, including the Special Representative for Children and Armed Conflict, LRA has not released any children, women or non-combatants from its ranks. During the initial months since the signature of the Cessation of Hostilities Agreement, some 300,000 internally displaced persons, of a total of 1.7 million, have begun the process of leaving the camps for areas closer to their places of origin in northern Uganda. No violent incidents attributable to LRA activities were reported in northern Uganda. Unfortunately, the parties were unable to capitalize on this achievement. They failed after three months of negotiations to agree on the draft of the agreement covering agenda item II, "The root causes of the conflict and comprehensive solutions". The atmosphere was also rendered difficult as a result of mutual suspicion and mistrust between the parties, as well as between one party and the Mediation Team. The LRA leadership refused to return to the negotiating table in Juba unless certain demands were met.

15. On 1 December 2006, I appointed Joaquim Alvaro Chissano, the former President of Mozambique, as my Special Envoy for the LRA-affected areas to

facilitate the resumption of the stalled peace talks. After a series of consultations in the region, representatives of the Government of Uganda and the LRA delegation indicated to my Special Envoy on 11 March 2007 that they remained bound by the Cessation of Hostilities Agreement that expired on 28 February 2007. They reiterated their commitment to peace and to finding a peaceful way out of the current crisis. On 14 April, they agreed to extend the Agreement until 30 June 2007 and to resume peace talks in Juba on 26 April 2007, under the mediation of the Government of Southern Sudan.

Visit of the Special Representative of the Secretary-General for Children and Armed Conflict

16. In June 2006, the Special Representative for Children and Armed Conflict visited Uganda at the invitation of the Government. The Special Representative reported on the personal testimonies of survivors of the horrific acts of violence perpetrated on the people of northern Uganda by LRA, as well as on testimonies from women and girls who had been subject to sexual violence in the camps for internally displaced persons.

17. Regarding the presence of children among Government forces, the Special Representative confirmed that, although children were indeed slipping through established procedures into UPDF and its auxiliary forces, the local defence units, there was no explicit policy of recruitment of children on the part of the Government of Uganda. To address the issue, the Government has committed itself to strengthening the implementation of the existing legal and policy frameworks on the recruitment and use of children in armed conflict, agreeing on an action plan: (a) to sensitize various stakeholders on the national laws, international conventions and protocols against recruitment and use of children in armed forces; (b) to monitor the implementation of the various national laws, international conventions and protocols against the recruitment and use of children in armed forces; and (c) to remove children if and when they are found in the armed forces.

18. In addition, the Government of Uganda reiterated its commitment to take appropriate disciplinary action against those military officers who knowingly recruit and use children, and agreed to strengthen existing independent monitoring procedures for joint access to military installations by designated institutions. The Government also committed itself to reviewing existing laws to cover the crime by civilian officials of aiding and abetting in the recruitment of children into armed forces.

III. Grave violations and abuses of children's rights

Killings and maiming of children

Uganda People's Defence Forces/local defence units

19. Six incidents of violent assault (not resulting in death) involving UPDF soldiers have been reported in northern Uganda since December 2006, including one case of serious injury sustained from a landmine. In an additional incident a woman was raped and stabbed to death by a soldier in Amuru District. The woman's

18-month-old child, who also sustained injuries, was found abandoned next to the body.

Lord's Resistance Army

20. No information was available on killings or maiming of children by LRA during the period under review.

Abductions of children

Uganda People's Defence Forces/local defence units

21. No cases were reported of abduction of children by UPDF or the local defence units during the period under review.

Lord's Resistance Army

22. There is a long history of unresolved abductions during the protracted conflict in northern Uganda, with hundreds of documented cases of women and children abducted by LRA and used in various capacities, from combatants to forced labourers to sexual slaves. The total number of abductions in January 2005 was estimated to be approximately 1,500, significantly reducing to 222 over the first six months of 2006.

23. Notably, since September 2006, there have been no confirmed reports on the abduction of children in Uganda by LRA. It must, however, be noted that the majority of active LRA elements have withdrawn from the Ugandan territory, mainly into southern Sudan and the Democratic Republic of the Congo.

24. It is estimated that up to 2,000 women and children may still be held by LRA within its ranks, although it is not possible to provide accurate statistics or to verify allegations. The continued presence of children in LRA ranks is confirmed through the testimonies of children escaping LRA or being captured by UPDF and handed over to child protection agencies in northern Uganda. For example, from June 2006 to February 2007, 53 children, including 12 girls, were received at a reception care centre in Lira. From September 2006 to February 2007, 28 children, including two girls, were received at reception care centres in Gulu and Pader. While the majority had recently escaped from LRA captivity, a number of cases were referred by relatives in an attempt to provide the children with psychological support. One formerly abducted [redacted] interviewed at a reception centre in Lira, who had escaped with two small children from Garamba National Park in the Democratic Republic of the Congo in late 2006, reported the continued presence of abducted girls with LRA forces who were too afraid to flee.

25. The Task Force has verified two reports where children released from LRA have been detained by UPDF at military facilities. One of the children was taken to an area of UPDF operation in southern Sudan and asked to provide intelligence information, in particular with a view to locating arms caches. Both of the children were later released and properly registered as formerly abducted following direct interventions by members of the Task Force.

Attacks on schools and hospitals

26. Concern continues to be expressed about the presence of anti-personnel landmines and other unexploded ordnance in a number of public facilities, such as schools. Mines and unexploded ordnance are reported to have been planted by both parties to the conflict.

Uganda People's Defence Forces/local defence units

27. Government military forces have engaged in the continued occupation of schools in abandoned communities. Munitions have been stored at these locations, rendering them unsafe for children.

28. In Achol Pii sub-county, Pader District, UPDF has set up a barracks a few metres from a primary school. At the time of writing, Orina Primary School in Adilang sub-county, Pader District, was occupied by UPDF. Adilang is a new settlement site for people choosing to leave internally displaced persons camps. In Ayoma, Kitgum District, the reopening of the school has been delayed due to UPDF occupation of the school facilities. UPDF forces were occupying Olung Primary School in Lukole, Kitgum District, until relocation in January 2007, and Paiula Health Centre Level II in Pajule sub-county, Pader District, until late 2006, when they relocated to their current detachment north of the Pajule internally displaced persons camp. In Lira District, Abongoweri primary school in Okwang sub-county, and Amwonyele primary school in Orum sub-county were still occupied by UPDF forces as of February 2007.

Lord's Resistance Army

29. During 2002 and 2003, Oloo primary school in Aloi sub-county, Ogoro and Amunga primary school in Ogwang sub-county and Aterayom and Bar keo and Ogwete primary schools in Olilim sub-county were occupied by LRA forces. Although these forces have not occupied the schools for more than three years, unexploded ordnance and landmines have been reported and the children have not been allowed to return. The Uganda mine action team is currently working to recover landmines and other explosives from the areas, and children will resume school once the areas have been declared safe.

30. Although there have been no reported attacks on schools by LRA since 2003, there are still fears among the population of LRA attacks in the event of renewed fighting.

31. Similarly, there have been no reports of LRA attacking or looting health facilities in 2006, save for an incident on 22 August 2006, when LRA forces in Pader District ambushed an ambulance belonging to Kalongo hospital. The ambulance itself was burned and medicines and other equipment were stolen.

Sexual violence perpetrated against children

32. The difficult humanitarian situation increases the risk of sexual violence, including sexual exploitation, for children in northern Uganda. Owing to sociocultural factors as well as the limited mechanisms available to file a complaint or to receive proper medical attention, only a small percentage of cases are actually

reported. It is therefore difficult to make an accurate assessment of the incidence of and trends in sexual violence and the extent of the involvement of armed forces.

Uganda People's Defence Forces/local defence units

33. Women and girls contacted through focus group discussions in six camps in Gulu and Amuru Districts in 2007 reported sexual harassment, sexual intimidation and sexual abuse by UPDF soldiers.

34. Additional information reported to members of the Task Force in Kitgum and Pader Districts confirms that communities have been intimidated and encouraged not to report cases of sexual violence committed by UPDF soldiers. There have been no reports of threats or intimidation of non-governmental or community-based organizations providing support to survivors of sexual violence.

35. Local authorities and child protection committees at the sub-county level in nine districts in northern Uganda have reported 26 cases to the Task Force of sexual exploitation and abuse committed by UPDF soldiers between June 2006 and March 2007. Transactional sex reportedly increases at the end of each month when soldiers receive their salaries and soldiers themselves in one location have corroborated this information. Details of these incidents are below.

36. Ten cases of girls aged between 14 and 16 years living with UPDF soldiers have been reported to the Task Force in Pader District. It is not clear whether these girls are the "wives" of these soldiers. Two cases of 14-year-old girls living within UPDF barracks in Amuru District have also been brought to the attention of the Task Force.

37. Since December 2006, 11 cases of rape perpetrated against girls by UPDF or local defence unit elements were reported to the Task Force. In December 2006, three girls were taken by soldiers from their homes in a camp in Pader District. One was raped and the other two were sexually assaulted. In the same camp, focus group discussions with community members revealed that boys sold information about vulnerable girls to soldiers. In February 2007, four girls were abducted by a UPDF soldier in Gulu District, resulting in the rape of two of the girls, aged 12 and 14. During the same month, another 14-year-old girl was raped and strangled to death by a local defence unit soldier in Amuru District. Although these cases have been reported to the police, so far no arrests have been made either because of the difficulties in identifying the perpetrator or because the suspect has disappeared.

Lord's Resistance Army

38. No information on sexual violence perpetrated against children by LRA in Uganda was available during the period under review.

Recruitment of children and their use as child soldiers in northern Uganda

Uganda People's Defence Forces/local defence units

39. From September 2006 to March 2007, 8 out of the 58 people who returned from LRA were retained by UPDF for extended periods and some of them were

engaged in UPDF operational activities. Five of the eight persons were below 18 years of age.

40. During the reporting period, very few children returned from LRA, as stated above. However, once in UPDF custody, the military used at least one child for intelligence gathering and kept others in custody longer than the UPDF principles and policy of a maximum of 48 hours allows. From November 2006 to January 2007, six youths, including three children under the age of 18 years, who had been abducted by LRA, returned and presented themselves to local authorities. They were all handed over to UPDF, four to Pajimo barracks in Kitgum District and two to Achol-Pii Division headquarters in Pader. The Task Force visited the latter on 13 February and was informed by the 5th Division UPDF Intelligence Administrator that the youth in question were assisting UPDF in uncovering weapon caches. During a visit to Pajimo barracks, the Task Force was informed by a counter-intelligence officer that all of the youths had been moved to Achol-Pii. During the same visit, it was confirmed from a separate military source that the children were engaged in intelligence operations in northern Uganda. Despite repeated requests by the Task Force, access to the group in Achol-Pii was only granted when they were released to the reception centre in the Pader Town Council on 18 February 2007.

41. During the same period, two children presented themselves in Pader to the local authorities and were handed over to UPDF. They were transferred to Lira Hospital to receive medical treatment; both had been injured during UPDF-LRA confrontations. Although one child was released to a reception centre, the other has been kept at the child protection unit in the barracks since 16 February 2007 and has transported on a daily basis for medical treatment. The Task Force continues to advocate for his release to the reception centre.

42. To illustrate the commitment of the Government not to recruit children into its army ranks, it must be noted that on 25 October 2006, UPDF carried out a recruitment and registration exercise in Gulu District, during which 150 youths were disqualified owing to the lack of proper documentation proving their age.

Lord's Resistance Army

43. No information on recruitment and use of children by LRA during the period under review was available.

44. Requests for the release of children from LRA made to the leadership during the reporting period were not met. In particular, religious leaders and organizations who had contact with LRA as they moved through northern Uganda to the assembly points in southern Sudan, requested, pursuant to article 4 (a) of the Cessation of Hostilities Agreement, that children, women and any sick person be released to the reception centres or health centres. No one has been released to date.

Denial of humanitarian access to children

45. During the period under review, no cases of active denial of humanitarian access to children by either party to the conflict have been reported.

IV. Dialogue, action plans and monitoring and reporting to redress violations and abuses of children's rights

46. It is of concern that serious violations of children's rights are seldom prosecuted in Uganda, especially in the northern part of the country where few have access to justice. The general lack of access to civilian justice (due to a militarization of law and order functions as a result of the conflict) coupled with an absence of civilian police officers specifically trained to handle cases involving children (as victims or as suspects) and the relative ignorance of magistrates regarding domestic provisions related to child rights and welfare, make children very vulnerable with respect to obtaining legal remedies for violations and harm suffered.

General coordination on child rights and child protection issues

47. Since its establishment in June 2006, the Task Force has worked on the establishment of a mechanism to monitor violations of the rights of children in armed conflict with the objective of supporting concrete action for the protection of children in conflict-affected areas across the northern districts of Uganda and providing relevant information to the Security Council Working Group. The Task Force has focused on engaging the Government of Uganda in prevention strategies and in ensuring the involvement of partner non-governmental and community-based organizations in the establishment of the monitoring mechanism.

48. To further strengthen its capacity to comply with the provisions of Security Council resolution 1612 (2005), the United Nations country team commissioned a "state of knowledge study" in March 2007. Following examples from other countries working on issues relating to resolution 1612 (2005), the study will enable United Nations agencies and the Task Force to identify further regular data collection resources as well as to establish a firm baseline understanding of the situation as it pertains to the six categories of violations and abuses. The study will also examine the capacities of existing mechanisms and structures in Uganda to collect and analyse relevant information with a view to developing a strategic plan for the continuation of monitoring activities and liaison with the Government of Uganda on child protection issues.

49. A network of trained local monitors has been put in place to assist the Task Force. Initial training of local paralegals working in camps was carried out in Gulu in September 2006 with a view to building their capacity to report on relevant cases. With funding from the Coalition against the Use of Child Soldiers, a second training exercise was carried out in Gulu in October, co-facilitated by members of the Task Force. Further training funded by UNICEF was carried out by the members of the Task Force in Kitgum in December 2006 and in Pader and Lira in late January 2007. By early February, some 100 monitors from various local non-governmental organizations, including paralegals, had been capacitated to monitor child rights violations and abuses throughout the northern districts of Uganda. Follow-up training has been carried out in Gulu and further training is planned in 2007 to develop and strengthen the network of field and camp-based monitors.

50. In addition, the Task Force has relied on the child protection committees that have been established at both the camp and sub-county level in the northern districts

of Uganda. The committees involve community leaders, parents, teachers and local district officials and staff as well as children themselves, and are mandated to monitor children's rights and to address protection concerns, including on issues related to households headed by children, sexual exploitation, the return of formally abducted children and children vulnerable to recruitment. At the district level, a child protection working group, composed of non-governmental and community-based organizations, is led jointly by district authorities and UNICEF, ensuring that violations of children's rights do not go unreported or unaddressed. The work of the district working group feeds into the national Inter-Agency Standing Committee sub-cluster on child protection, which reports to the Committee's protection cluster at the national level (which in turn reports to the Humanitarian Coordinator).

51. Awareness-raising activities in relation to the six grave violations and abuses set out in Security Council resolution 1612 (2005) have been carried out throughout northern Uganda, notably through the monthly district human rights promotion and protection meetings, led by the Uganda Human Rights Commission and OHCHR, held within the framework of the national internally displaced persons policy of the Government of Uganda.

52. Similarly, awareness-raising activities have been carried out with the Inter-Agency Standing Committee protection clusters at the district level. The district protection clusters support the work of the Task Force by referring relevant cases brought to its attention, and participating in the analysis of trends and patterns insofar as they relate to the promotion and protection of children's rights.

53. A standardized reporting tool has been devised, which is now used by various protection agencies and organizations to collect information on allegations falling within Security Council resolution 1612 (2005). United Nations agencies members of the Inter-Agency Standing Committee protection cluster, i.e., OHCHR, UNICEF and the Office of the United Nations High Commissioner for Refugees act as entry points for all incident report forms. In the event of a case related to one of the six grave violations or abuses of children's rights, the form is referred to the Task Force for verification and appropriate follow-up.

54. I am also pleased to report that members of the civil-military cooperation centres in the northern districts of Uganda, funded by OHCHR, have also been trained to collect relevant information. The centres are coordinated by the Uganda Human Rights Commission and are composed of representatives from UPDF, the Uganda Police Force, civil society, the Uganda Human Rights Commission and national United Nations Volunteers, also funded by OHCHR. They are mandated to receive and investigate complaints regarding violations allegedly committed by military and police personnel, as well as to raise awareness of human rights norms and principles within these two institutions. The Task Force has come to an agreement with the civil-military cooperation centres that information relevant to Security Council 1612 (2005) will be forwarded to the Task Force.

Action plan of the Government of Uganda

55. An initial draft action plan, presented by the Task Force in June 2006, was rejected by the Government of Uganda on the grounds that the evidence surrounding the use of child soldiers in Uganda had not been fully established and verified. The Government subsequently took the initiative to draft its own version of an action

plan, which the Ministry of Foreign Affairs and UPDF presented to the Task Force on 18 December 2006. On 2 February 2007, the Government transmitted it for consideration to the Special Representative for Children and Armed Conflict.

56. Referring to national and international relevant norms, the Action Plan aims at sensitizing various stakeholders on their respective responsibilities vis-à-vis child rights and tasks the Human Rights Department of UPDF to create awareness among the rank and file of the army on the promotion and preservation of human rights and to monitor human rights violations by and against the army. In addition, and in line with the Government's commitment to remove children if and when found in the armed forces, the Action Plan describes the efforts made by UPDF to undertake continuous screenings where its forces are operating, with a view to preventing the presence of children within its ranks, and to design stringent recruitment procedures.

57. In mid-March 2007, the Task Force shared its comments on the Action Plan with the Government and the Special Representative for Children and Armed Conflict. In particular, it drew the attention of the Government to the fact that the Plan, though a laudable effort, did not follow the criteria for designing action plans at the national level set out by the Special Representative, especially with respect to the specific measures envisaged to prevent recruitment and re-recruitment of children and agreed time-bound benchmarks for measuring progress and compliance. The Task Force also regretted the absence of specific provisions regarding the involvement of the international community, where the latter may be of support to Government initiatives. It noted that the Action Plan contained only a list of broadly defined activities without a clear statement of objectives or background to the main issues surrounding violations of child rights. The focus on the UPDF Human Rights Department as the body within the army responsible for monitoring activities was also challenged in view of its inability to have shown any significant impact at field level in the two years of its existence and in the absence of details regarding specific activities aimed at child rights. The Task Force regretted that the Action Plan did not address the issue of accountability within the armed forces or give details of the processes through which violations would be addressed, investigated and eventually punished, nor did it include measures that might support children removed from the armed forces, especially with respect to their reintegration into civilian life. Finally, the Action Plan did not contemplate addressing the root causes of underage recruitment, both from the point of view of the armed forces, but also of children and their families. In discussions between the UPDF and Task Force members, it was agreed that a meeting would be convened by the Uganda Human Rights Commission between the Task Force and UPDF to discuss the way forward.

Independent on-site monitoring of Uganda People's Defence Forces/local defence unit facilities

58. Following a meeting between members of the Task Force and UPDF political commissars in December 2006, UPDF agreed that the Task Force should undertake inspection and monitoring visits to its facilities, in particular during the recruitment processes and training of new recruits, with the principal purpose of age verification. This is a positive step towards the implementation of the commitments made by the Government of Uganda during the visit of my Special Representative for Children and Armed Conflict. In order to conduct independent on-site

monitoring visits regarding the presence of child soldiers in UPDF, as well as the local defence units under the command structures of UPDF, the Task Force has proposed terms of reference for unannounced and unhindered visits to all their facilities. They guarantee that the members of the Task Force carrying out such visits will be authorized to speak privately and confidentially with any individual soldiers suspected of being under the age of 18 during the visits and have full access to all documentary material relevant to the visit, in particular personnel records, including birth certificates, educational and other certificates bearing personal details, as well as any other official document issued for purposes of recruitment.

59. At the time of writing, the terms of reference are in discussion with UPDF. It is hoped that the first on-site monitoring visits will have been carried out by the time the Working Group considers the present report.

60. Complementing the monitoring visits, the Task Force commits itself to working jointly with UPDF and the local defence units to ensure immediate and appropriate follow-up to remove any persons under the age of 18 years found within the UPDF and local defence units structures, including through referral to appropriate child protection agencies and services. It is also foreseen that the necessary steps must be taken to ensure that persons suspected of having recruited or used child soldiers be held accountable in accordance with the law.

V. Follow-up and programmatic response to violations

61. Uganda has ratified the Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict, and has incorporated into the 2005 Uganda People's Defence Forces Act a provision prohibiting the recruitment and use of child soldiers. Humanitarian child protection programming is ongoing in the northern districts in conjunction with district partners and information on Security Council resolution 1612 (2005) will be used to guide these interventions.

62. Interim care centres, locally known as reception centres, have been established in the northern districts since 2003 and are receiving formerly abducted children, including those referred by Uganda People's Defence Forces child protection units. The same reception centres have been identified and are prepared to receive women and children from LRA in the event that they are released from captivity in southern Sudan or elsewhere.

VI. Recommendations

63. I call upon all parties to the conflict to comply without further delay with the resolutions of the Security Council on children and armed conflict by maintaining a dialogue with the Task Force for the preparation and implementation of a concrete and time-bound Action Plan, ideally by 31 July 2007, to halt the grave child rights violations and abuses for which they have been cited.

64. I am deeply concerned over the absence of any concrete signs regarding the release of children associated with various forces, especially local defence units and LRA, and urge the relevant authorities to take the appropriate measures for the immediate release of all children, women and non-combatants, and call for a

prioritization of a disarmament, demobilization and reintegration process for children.

65. I urge the leaders of LRA to take immediate steps to end child recruitment and the use of child soldiers and to release children associated with their forces and for United Nations entities and non-governmental organizations to implement effective, well-resourced and well-monitored programmes, to return them safely to their families and places of origin and provide services needed for their reintegration back into community settings. All armed forces and groups, as well as other actors such as the Task Force, United Nations entities, non-governmental organizations and government agencies should take appropriate steps to ensure that safeguards and gender-sensitive programmes are in place to guarantee the basic rights of girls associated with the armed forces and groups, particularly as regards their protection, release and reintegration into communities. In this regard, I call upon the international community to provide adequate long-term resources for the development of appropriate interventions.

66. I call upon UPDF to reach an agreement with the Task Force in order to immediately and effectively allow the conduction of independent on-site monitoring visits to military barracks, regarding the presence of child soldiers in UPDF, as well as the local defence units under the command structures of UPDF, within the framework of Security Council resolution 1612 (2005).

67. I am deeply concerned by reports of sexual violence against girls and women, particularly in internally displaced persons camp settings, and stress the urgent need for national authorities to prosecute and punish responsible parties and to develop effective prevention and response strategies for the protection and support of girls and women vulnerable to sexual violence, especially among displaced populations.

68. I call upon the international community and donors to provide all necessary support for the reinforcement of the monitoring and reporting partners of the Task Force, ensuring that adequate information is collected and communicated to appropriate actors and bodies on the impact of violations against children in this new phase of peacemaking in Uganda. I also call upon the donor community to ensure that sufficient resources are made available to support programmatic efforts for the release, return and reintegration of children associated with UPDF, the local defence units and LRA.

69. In the context of the peace negotiations, I call upon the negotiating parties and the mediation team to ensure that specific provisions for children are included at all steps of the negotiations, including the importance of holding accountable perpetrators of grave violations against children. Any transitional justice and reconciliation mechanisms that might be established should specifically make provisions for children victims of the conflict.

70. As a follow-up to the visit of my Special Representative for Children and Armed Conflict to Uganda in 2006, I encourage a delegation of the Security Council Working Group on Children in Armed Conflict to undertake a mission to Uganda to provide continued support to the combined efforts of the Task Force and the Government of Uganda in protecting children in conflict affected areas.

71. I am concerned about reports of the occupation of schools in abandoned communities by Government military forces and the establishment of military barracks in proximity to schools. I call upon the Government military forces to

expeditiously vacate all school premises, to recover landmines and other explosives from school areas and to issue official declarations that identified school areas are safe for children to resume their education, relocating any military barracks in proximity to school areas to appropriate sites.

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Security Council
Sixty-second year

Letter dated 3 May 2007 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

I have the honour to draw to your attention the statement made by Alexei Borodavkin, Permanent Representative of the Russian Federation to the Organization for Security and Cooperation in Europe (OSCE), at the meeting of the OSCE Permanent Council held in Vienna on 3 May 2007 (see annex).

I should be grateful if this letter and its annex could be circulated as official documents of the Security Council and of the sixty-first session of the General Assembly under agenda item 75.

(*Signed*) Vitaly **Churkin**

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Annex to the letter dated 3 May 2007 from the Permanent Representative of the Russian Federation addressed to the Secretary-General

Statement by the Permanent Representative of the Russian Federation at the meeting of the OSCE Permanent Council

Vienna, 3 May 2007

The situation in Estonia

Next week one of the great dates in world history will be commemorated — 9 May, the sixty-second anniversary of the liberation of Europe from Nazism. In most States, in accordance with United Nations General Assembly resolution 59/26 and in the spirit of the OSCE Ministerial Declaration on the Sixtieth Anniversary of the End of World War II, VE day will be solemnly celebrated and a tribute will be paid to the memory and the achievements of those who gave their lives in the fight against Hitlerism. The Estonian authorities decided to mark this great day in a different way. The Bronze Soldier memorial in Tonismagi Square in the centre of Tallinn was dismantled and the graves of the Soviet soldiers buried there were opened.

This was done despite countless appeals from the Russian Federation, a group of members of the Commonwealth of Independent States and the Estonian public. It was a gross violation of the norms of international law, particularly article 34 of Additional Protocol 1 to the 1949 Geneva Conventions, which states that military gravesites may be moved only upon the request of the next of kin or in case of investigative necessity. It also disregarded the request made to the President of Estonia, Toomas Hendrik Ilves, by the daughter of Captain Ivan Mikhailovich Sysoev, who was buried at Tonismagi, not to transfer the remains of her father and of the other soldiers.

The memorial was dismantled on the orders of the Government of Estonia during the night of 27 April, in secret, in the hope that public opinion would be resigned to the commission of the lawless action and outrage to the memory of the fallen Soviet soldiers. But this hope was vain. Thousands of protesters took to the streets in Tallinn and other Estonian cities demanding restoration of the monument and inviolability of the memorial. This spontaneous protest was harshly repressed by the Estonian authorities, using rough force that exceeded all permissible limits. They resorted to the use of truncheons, tear gas, water cannons and rubber bullets. People were seized in the streets, beaten, handcuffed and placed in detention. These people included journalists. There were not enough cells in Tallinn and the authorities had to transform the Tallinn port terminal into a temporary prison, to which according to the media they took about 450 detainees. The people thrown into this torture chamber took pictures with their cell phones and their accounts of inhuman treatment, insults and beatings bring back memories of episodes from the darkest days of recent European history.

According to media reports, since 27 April the Estonian police have detained over a thousand people, arrested 51 people, including NGO representatives, and wounded dozens.

As a result of the clashes which occurred when the Estonian authorities attempted to disperse the demonstrations that occurred in Tallinn in the night of 26/27 April in defence of the Bronze Soldier memorial, Dmitri Ganin, a Russian citizen permanently resident in Estonia, was killed. The Russian Federation demands that the Estonian authorities should provide full information on what happened, conduct an investigation as a matter of urgency and bring to justice those guilty of this crime.

Among the protesters, against whom the Estonian authorities used harsh repressive measures, were representatives of various nationalities. However, most of them were Russian-speaking, i.e. the group constituting almost one third of the population of Estonia which is still disenfranchised, does not have citizenship or full electoral rights and is subjected to linguistic discrimination.

The dismantling and transfer of the Bronze Soldier memorial and the reburial of the remains of the Soviet soldiers in Tallinn are perceived in the Russian Federation as a desecration of our sacred objects. These actions by the Estonian authorities evoke indignation and strong condemnation. The Russian Federation also strongly condemns the use of flagrant violence, insults and beatings inflicted on the participants in the Tallinn demonstrations. I quote the words of Sergei Lavrov, Minister for Foreign Affairs of the Russian Federation: "I think this is disgusting ... This blasphemy cannot be justified ...". According to an opinion poll, about 80 per cent of the adult population of the Russian Federation shares this view.

I should like to recall that Tallinn — one of the most beautiful cities in Europe — survived during the war thanks only to the courage and selflessness of the Soviet soldiers who in the autumn of 1944 completed a 120-kilometre march and, literally on the heels of the retreating Hitlerites and the Estonian SS, rushed into the city and thus prevented its destruction. Tens of thousands of Soviet soldiers were killed liberating Estonia.

The attempt by the Estonian authorities to belittle this exploit, to erase the memory of it from public consciousness and to pin the label of occupiers on those who defeated Nazism is unacceptable. It is particularly alarming that in recent years Estonia has been glorifying the Estonian SS and fostering neo-Nazi feelings, and opponents of fascism are being subjected to attacks.

All this is perceived as an attempt to rewrite the outcome of the Second World War and will undoubtedly have serious consequences for Russian-Estonian relations.

We have more than once suggested in OSCE that measures should be taken to deal with what is happening in Estonia. Unfortunately, we have heard no adequate response. And the Estonian authorities have taken this silence as encouragement for their illegal and inhuman actions. The gross violations of human rights in Estonia that we have witnessed recently are the consequence of the indifference and connivance of the European Union and the North Atlantic Treaty Organization — organizations that have granted membership to a country flouting the values on which European culture and democracy are based. In the end, the blasphemy committed in Estonia will certainly affect the Russian Federation's relations with the European Union and the North Atlantic Alliance.

I should like again to invite the Chairman-in-Office, the Office for Democratic Institutions and Human Rights, the High Commissioner on National Minorities, the

OSCE Representative on Freedom of the Media and the Personal Representatives of the Chairman-in-Office combating various forms of xenophobia to make an objective assessment of the events in Estonia and to demand that the Estonian authorities respect the memory of those who fell in the struggle against Nazism and stop discriminating against the Russian-speaking population living in that country.

The recent statements made by the representative of Germany on behalf of the European Union and by the United States representative are disappointing. Instead of condemnation of the illegal and inhuman actions of the Estonian authorities, concern was expressed about the peaceful demonstration by indignant Russian citizens at the Estonian Embassy in Moscow. Against the background of the sharp criticism often voiced by the Ambassadors of Germany (on behalf of the European Union) and of the United States on the subject of human rights violations attributed to the Russian Federation and a number of other members of the Commonwealth of Independent States, their statements today can be viewed only as a new manifestation of double standards and bias. We regret that the European Union and the United States were not principled enough to make an objective assessment of the events in Estonia.

We categorically reject the accusations that the Russian Federation is not complying with the Vienna Convention on Diplomatic Relations and is not ensuring the security of the Estonian Embassy in the Russian Federation. In fact, the fuss about this artificially created problem is designed to divert the attention of international public opinion from the illegal and inhuman actions of the Estonian authorities in dismantling and relocating the Bronze Soldier memorial in Tallinn and from the repression against the demonstrators in the Estonian capital.

A peaceful demonstration took place at the Estonian Embassy in Moscow of Russian citizens indignant about the desecration of our sacred objects and the cruelty of the Estonian police, who used harsh force against the protestors in Tallinn. Thus this demonstration in Moscow was provoked by the Estonian side itself.

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Fifth semi-annual report of the Secretary-General on the implementation of Security Council resolution 1559 (2004)

I. Introduction

1. The present report is my fifth semi-annual report to the Security Council on the implementation of resolution 1559 (2004).

2. In the past six months, Lebanon has continued to witness prolonged political uncertainty, with the issue of the creation of a special tribunal for Lebanon in the context of the work of the International Independent Investigation Commission moving increasingly centre stage.

3. Political consultations among Lebanese leaders to resolve their differences began on 6 November 2006. Amidst their collapse, the Shiite members of the Cabinet resigned from the Government on 11 November. A further minister resigned on 13 November. Tension rose further with the approval of a draft statutory agreement on the special tribunal with an international character on 13 November, and then the finalized statutory agreement on 25 November by the remaining members of the Cabinet.

4. The opposition, consisting of Amal, Hizbullah and the Free Patriotic Movement, as well as President Lahoud, have maintained that the Cabinet no longer enjoys constitutional legitimacy. The Government continues to meet and function, since it continues to enjoy the support of a parliamentary majority. In addition, the Government maintains that since the Prime Minister never formally accepted the resignations submitted to him, they are not valid. In the context of an intensifying debate over the constitutional legitimacy of the remaining Cabinet, supporters of Hizbullah, Amal, and the Free Patriotic Movement began staging a sit-in at the Prime Minister's office in downtown Beirut from 1 December, which endures to the present day.

5. The demonstrations have on occasion led to violent clashes between supporters of the opposition forces and those of the Government. Early in December, one person was killed in the context of such clashes. On 23 January 2007, 3 people were killed and over 100 injured when a general strike was called and the country left in paralysis. Two days later, as donors assembled in Paris and pledged their assistance to Lebanon's reconstruction effort after the war of last summer, clashes at a Beirut

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university campus turned violent, leaving 4 people dead and over 150 injured. Renewed clashes also occurred in rural parts of the Beqaa Valley in February.

6. A variety of parties and actors have undertaken commendable efforts to mediate between the opposing sides in Lebanon. The laudable visits and efforts by the Secretary-General of the League of Arab States and a praiseworthy initiative pursued by the Kingdom of Saudi Arabia laid the foundations for talks between the leader of the parliamentary majority, Saad Hariri, and the Speaker of Parliament, Nabih Berri, in early to mid-March. The crisis is yet to be resolved, however, and the standoff that paralyses Lebanon continues.

7. Twice in the last four months, petitions signed by a majority of the members of Parliament and expressing their support for the holding of a parliamentary session to ratify the establishment of the international tribunal have been submitted to me. Parliament has not met since the end of the fall session, and is yet to launch its regular spring session deliberations, which formally began on 22 March 2007, as the Speaker has not called for the convening of the assembly. Against this background, the Prime Minister, Fouad Siniora, sent me a letter dated 10 April, requesting that in the light of the "paralysis" of the Lebanese Parliament, the Security Council "examine alternative ways and means that will ensure the establishment without delay, of the special tribunal for Lebanon, which is essential for the safeguarding of liberties and deterring further political assassinations".

8. On 21 November 2006, the Industry Minister, Pierre Gemayel, the scion of one of Lebanon's most prominent political families, was assassinated by gunmen in Beirut. On 13 February 2007, three people were killed when two buses were successively bombed near the village of Bikfaya. Seventeen people were injured. The members of the Security Council condemned these acts and, on both occasions, reaffirmed their previous calls upon all parties concerned to cooperate fully and urgently for the full implementation of all relevant resolutions concerning the restoration of the territorial integrity, full sovereignty and political independence of Lebanon, in particular resolutions 1559 (2004), 1595 (2005), 1636 (2005), 1664 (2006), 1680 (2006) and 1701 (2006). My predecessor and I also condemned these atrocities.

9. While a tense calm continues to prevail in Lebanon, the month of March saw an increase in the reported number of security threats and bomb scares. On 26 April, two young men were found dead, three days after having disappeared in a southern Beirut neighbourhood. There have been allegations that the incident may have been linked to sectarian tension.

II. Implementation of resolution 1559 (2004)

10. In the aftermath of the last report, of 19 October 2006, on the implementation of resolution 1559 (2004) (S/2006/832), further progress has been achieved to consolidate the arrangements established by resolution 1701 (2006).[1] Such progress is relevant to the achievement of strict respect of the sovereignty, territorial

[1] See the letter to the President of the Security Council of 1 December 2006 (S/2006/933) and my report of 14 March 2007 on the implementation of Security Council resolution 1701 (2006) (S/2007/147).

integrity, unity, and political independence of Lebanon under the sole and exclusive authority of the Government, as called for in resolution 1559 (2004).

11. However, the provisions of resolution 1559 (2004) calling for the disbanding and disarmament of all Lebanese and non-Lebanese militias and the strict respect of the sovereignty, territorial integrity, unity, and political independence of Lebanon under the sole and exclusive authority of the Government, as well as the Council's support for a free and fair electoral process in Lebanon's presidential election conducted according to Lebanese constitutional rules devised without foreign interference or influence, remain to be implemented in full.

A. Sovereignty, territorial integrity, unity and political independence of Lebanon

12. In reaction to my most recent report, of 14 March 2007, on the implementation of resolution 1701 (2006) (S/2007/147), the Council adopted a presidential statement on 17 April (S/PRST/2007/12), in which it reiterated its full support for the legitimate and democratically elected Government of Lebanon, called for full respect of the democratic institutions of the country, in conformity with its constitution, and condemned any effort to destabilize Lebanon. The Council further called upon all Lebanese political parties to show responsibility with a view to preventing, through dialogue, further deterioration of the situation in Lebanon, and reaffirmed its strong support for the sovereignty, territorial integrity, unity, and political independence of Lebanon within its internationally recognized borders and under the sole and exclusive authority of the Government of Lebanon.

13. In the context of the enduring political standoff and of widespread allegations that illegal arms trafficking is taking place clandestinely via the Syrian-Lebanese border, the 14 March alliance, which represents the majority faction in Parliament, released a statement on 16 January 2007, in which it asserted that "forces directly affiliated with Syrian intelligence are bringing in new shipments of weapons and distributing them in sensitive areas of Lebanon, especially in the western Beqaa and Reshaya and some areas of Mount Lebanon". The statement continued by drawing "the attention of the Arab League and the United Nations to such non-stop practices by the Syrian regime in Lebanon". The Government of the Syrian Arab Republic has repeatedly denied any involvement in arms trafficking or any intelligence activity in Lebanon, and has pointed to its efforts and full cooperation in enforcing the weapons embargo imposed by resolution 1701 (2006). President Assad also informed me during our meeting in Damascus on 24 April that the Syrian Arab Republic is willing to work with the United Nations on all matters relating to peace and stability in the region, also reaffirming the commitment of the Syrian Arab Republic to the full implementation of resolution 1701 (2006) and to enhance consultations with the United Nations in that regard.

14. Regrettably, the expectation of the early initiation of a process between Lebanon and the Syrian Arab Republic, based on an agreed action agenda, which will eventually lead to the establishment of full diplomatic relations, as expressed in the last report (S/2006/832) and in fulfilment of the relevant provisions of resolution 1680 (2006), has not yet been met. I have urged President Assad to establish diplomatic relations with Lebanon, and he reconfirmed his readiness in principle to establish relations with Lebanon. At the same time, the Syrian Arab Republic has

reiterated its position to me that the establishment of mutual diplomatic representation is a bilateral matter. I continue to believe that the establishment of formal diplomatic relations would be an important measure to affirm the strict respect for Lebanon's sovereignty, territorial integrity, and political independence. As was stated in the last semi-annual report (ibid.), steps towards the establishment of diplomatic relations between the Syrian Arab Republic and Lebanon would significantly contribute to the stability of the region.

15. The affirmation of Lebanon's sovereignty, territorial integrity and political independence also continues to be inextricably linked with the delineation of the border it shares with the Syrian Arab Republic. Steps towards delineating in full the border between Lebanon and the Syrian Arab Republic would also significantly contribute to the stability of the region.

16. The Government of the Syrian Arab Republic, in its letter to the Security Council of 20 March 2007, reaffirmed its position that the question of the demarcation of borders between the Syrian Arab Republic and Lebanon is a bilateral matter that relates to State sovereignty and must be solved by agreement between the Syrian and Lebanese Governments. The Syrian Arab Republic has also informed me, latest in my meeting with President Assad on 24 April, that it is willing to resume meetings of the Syrian-Lebanese commission on the borders and that it agrees to begin a process of delineation, proceeding from north to south. I welcome President Assad's agreement to reactivate the Border Committee with Lebanon.

17. It is my view that the delineation and demarcation of the Lebanese-Syrian border is indeed a bilateral matter that can only be settled through a bilateral agreement between the two parties. As concerns the majority of the length of the Lebanese-Syrian border, there are no impediments to the early commencement of such a process. I now look forward to the early reconvention of the bilateral Border Committee, as President Assad has committed, and the conclusion of a border agreement, which would also prove an important and useful vehicle to address the stated concerns of the members of the Security Council over allegations and reports of illegal arms transfers across the border, in violation of Lebanon's sovereignty and of resolutions 1559 (2004) and 1701 (2006).

18. With regard to the Shab'a Farms, the Syrian Arab Republic has also informed me in its letter of 20 March 2007 that "Israeli withdrawal from the area is essential, it being understood that the border will be demarcated following complete Israeli withdrawal from the occupied Syrian Golan". Previously, the Syrian Arab Republic had indicated to me its concurrence — consistent with the statements of a number of its senior officials that the Shab'a Farms are to be considered Lebanese — with the Lebanese seven-point-plan, which envisages placing the Shab'a Farms under United Nations jurisdiction until permanent border delineation and Lebanese sovereignty over them is settled. The third semi-annual report, of 19 April 2006, on the implementation of Security Council resolution 1559 (2004) (S/2006/248) had noted that it appeared "that there exists a consensus on the general need to delineate the Lebanese-Syrian border". This position on a need for a delineation of the border was reaffirmed by the Security Council in its resolution 1680 (2006).

19. In this context, I also reiterate the position that while a permanent solution of this particular issue remains contingent upon the delineation of the border between the Syrian Arab Republic and Lebanon, in fulfilment of resolutions 1559 (2004), 1680 (2006) and 1701 (2006), and its eventual demarcation on the ground, I have

also taken note of the Government of Lebanon's seven-point-plan and the approach suggested in it. Accordingly, I continue my work to examine the geographical definition of the Shab'a Farms, as outlined in my report of 14 March 2007 on the implementation of resolution 1701 (2006) (S/2007/147).

20. As I also wrote in my recent report, Israeli air violations of the Blue Line, through Israel Defense Force jet and unmanned aerial vehicle overflights, continue on an almost daily basis. The Government of Israel continues to maintain that the overflights are a necessary security measure that will continue until the two abducted Israeli soldiers are released and respect for the full arms embargo, established in paragraphs 14 and 15 of resolution 1701 (2006), is implemented. The Government of Lebanon continues to protest the overflights as a serious violation of Lebanese sovereignty and a violation of resolution 1701 (2006), and has argued in a recent letter to the Security Council of 4 April 2007 that Israeli overflights should not be linked to the enforcement of the arms embargo.

21. Mindful of the potential repercussions of continued regular violations of Lebanese sovereignty through Israeli overflights, I have, as I reported in my briefing to the Security Council on my trip to the Middle East on 5 April, asked the Government of Israel to halt its policy of overflights, which are a violation of Lebanese sovereignty and of resolutions 1559 (2004) and 1701 (2006). I continue to expect that such air incursions and violations of Lebanese sovereignty will cease fully.

22. The Government of Lebanon has also asserted, in its letter to the members of the Security Council of 4 April 2007, that Israel's continued occupation of the northern part of Ghajar constitutes another breach of the Blue Line. As such, Israel's presence in Ghajar would constitute a violation of Lebanese sovereignty. The issue is being dealt with through the tripartite meetings convened by the Force Commander of the United Nations Interim Force in Lebanon (UNIFIL), and I am confident that a solution to the ongoing divergence of views can be found in due course. The same applies to Israeli violations of Lebanese sovereignty and territorial integrity that have occurred in the context of incidents along the Blue Line in February and March 2007. I continue to have full confidence that the tripartite meeting mechanism convened by the UNIFIL Force Commander can be utilized to satisfactorily address such incidents.

B. Extension of Lebanese Government control over all Lebanese territory

23. Under the conditions of the ongoing political crisis in Lebanon, the Government is restricted in its ability to extend its authority over all Lebanese territory. The Government's constitutional legitimacy itself has been called into question by the opposition. A resolution of the crisis, through dialogue and consensus, is a necessary precondition for the extension of Lebanese Government control over all Lebanese territory and the exertion of the Government's monopoly on the legitimate use of the force.

24. In response to my recent report on the implementation of resolution 1701 (2007) (S/2007/147), the Security Council has, while commending the steps taken by the Government of Lebanon to exercise its monopoly on the use of force throughout its territory, taken note with concern of reported activities of

unauthorized armed elements outside of the UNIFIL area of operations and has reiterated its call for disbanding and disarming of all militias and armed groups in Lebanon.

25. I highlighted in my recent report the laudable efforts and achievements of the Government of Lebanon and the Lebanese Armed Forces to extend the Government's control over all Lebanese territory. The Lebanese Armed Forces, in particular, have played a commendable role in recent months in their efforts to establish the Government's monopoly on the legitimate use of force.

26. However, I have also outlined that the Lebanese Armed Forces are under considerable strain and thus limited in their ability to fully discharge their responsibilities. I reiterate my call on donor countries to come forward and help the Lebanese Armed Forces meet their obligations under resolution 1701 (2006) and as concerns the extension of the Government of Lebanon's control over all of Lebanon's territory and the establishment of the democratically elected Government's monopoly on the legitimate use of force throughout Lebanon, in fulfilment of the provisions of resolution 1559 (2004). As I told the Security Council in my recent briefing on my trip to the region on 5 April, the Government of Lebanon has indicated that it would be willing to consider further technical assistance, training and equipment, including, on a bilateral basis, to enhance the capabilities of its forces to better monitor its borders. The Government of Lebanon also has informed me that it has taken a series of measures to curb illegal arms activities. To that end, 8,000 troops were deployed along the eastern and northern borders with the Syrian Arab Republic. Furthermore, the Government of Lebanon has reassured me again that it views the matter of border control and the prevention of the illegal entry of arms as vital issues of national security.

27. I have been provided with detailed information related to an extensive number of illegal crossing points between the Syrian Arab Republic and Lebanon, many of which are said to be used for smuggling, mostly of fuel, cement, and stolen vehicles by both Lebanese and Syrian nationals. The United Nations is in no position to verify such information. The indication, however, suffices to underline the necessity of a full delineation of the Syrian-Lebanese border and of improvements in the monitoring of the border.

28. While the Government of Lebanon has made considerable progress in asserting its authority, there remains concern as to the continued challenge posed to the legitimate authorities by militias. In particular, in my recent report (S/2007/147), I noted with concern the activities of Hizbullah and other militias outside of the UNIFIL area of operations. In addition, there have been reports of arms shipments and arms trafficking, which I also outlined in that report. Any form of illegal transfer of arms does not only stand in contradiction to resolution 1701 (2006), it also inherently undermines the authority of the State and its monopoly on the legitimate use of force, and thus contravenes resolution 1559 (2004). I have received information from Israel on arms trafficking. This information has been detailed and substantial, as outlined in my recent report. In addition, I have also received reports from other Member States detailing that illegal transfers of arms do occur. According to such reports, some weapons produced outside the region arrive via third countries and are brought clandestinely into Lebanon through the Syrian-Lebanese border. Such transfers are alleged to be taking place on a regular basis.

29. Against that background, I emphasized the importance of preventing illegal movement of arms into Lebanon in my recent talks with President Assad in Damascus. The Syrian Arab Republic has consistently denied reports of illegal arms trafficking through the Syrian-Lebanese border, except for individual incidents, as manifested in the Syrian seizure of a truck bearing Iraqi number plates in which there were contraband weapons that were on their way to Lebanon, as outlined in the letter of the Syrian Arab Republic to the Security Council of 20 March 2007. I have also received a number of photographs showing the contraband weaponry captured in that incident.

30. I join the call of the Security Council, expressed in its recent presidential statement (S/PRST/2007/12), on the Government of the Syrian Arab Republic to take further measures to reinforce controls at the Syrian-Lebanese border, emphasizing that under the given circumstances, its cooperation to enforce the arms embargo imposed by resolution 1701 (2006) is an indispensable element in enabling the exertion of the Lebanese Government's control over all of its territory. Having taken note of the letter of the Syrian Arab Republic to the Security Council dated 20 March 2007 and the information contained therein that the Syrian Arab Republic had apprehended a truck with Iraqi number plates which was carrying contraband weapons, I continue to view both the delineation of and strict control of the Lebanese-Syrian border, from both sides, as critically important.

31. Accordingly, I continue to develop a framework for the evaluation of the situation along the border and to intend to dispatch at the earliest, in close liaison with the Government of Lebanon, an independent mission to fully assess the monitoring of the border. In accordance with the presidential statement of 17 April, I will keep the Council informed on my contacts with the Government, and report back to the Council in due course on its findings and recommendations in this regard.

32. I have also taken note of the assertion by the Syrian Arab Republic, which I referred to in my report of 14 March 2007 (S/2007/147) as well as mounting media speculation, that Israel is sending weapons to some Lebanese groups. Some reports have also asserted that other parties from the region and outside it are engaged in such weapons transfers. I have not been provided with any evidence to support such claims. At the same time, I cannot but be concerned over the disconcerting nature of all such reports, allegations and speculation, which illustrate that the authority of the State of Lebanon throughout its territory and its monopoly on the legitimate use of force is far from uncontested and assured.

33. In my recent report, I also referred to my concern over a growing threat from extremist Islamist groups, who have reportedly found safe haven in Palestinian refugee camps, to the presence of the United Nations in Lebanon. The presence and reportedly growing strength of such groups stands in direct contradiction to resolution 1559 (2004) and is deeply disconcerting, threatening not only the United Nations presence, but also undermining the Government of Lebanon's exertion of authority and its monopoly on the use of force throughout its territory. In the aftermath of the twin bus bombings of 13 February 2007, the Internal Security Force arrested a number of members of the Fatah al-Islam group, most of whom were Syrian nationals. Lebanese officials have informed me of their belief that Fatah al-Islam, which shares ideological tenets with Al-Qaida, is provided with funds by the Damascus-headquartered Fatah-Intifada militia and is composed primarily of

Syrian nationals and Palestinians ordinarily resident in the Syrian Arab Republic, though there are also Lebanese and members of other nationalities among its activists. Fatah al-Islam is believed to number between 200 and 250 members and to be under the leadership of a Jordanian-Palestinian wanted for questioning in connection with the murder of a United States diplomat in Amman in 2001. The Government of the Syrian Arab Republic has written, in a letter to the President of the Security Council dated 26 March 2007, that it categorically denies accusations directed against it by some Lebanese authorities of coordination between Syrian bodies and Fatah al-Islam. The Syrian Minister of the Interior has asserted that the group is connected to Al-Qaida and had contacts with the former leader of Al-Qaida in Mesopotamia, Abu Musab al-Zarqawi. According to the Government of the Syrian Arab Republic, the Jordanian-Palestinian leader of Fatah al-Islam served three years in prison until 2006 and is wanted for renewed arrest in the Syrian Arab Republic. The Government of the Syrian Arab Republic also repeated in its letter that it regrets these accusations and affirmed that it condemns all crimes and continues to stand by Lebanon in order to strengthen stability and security therein.

34. I further note that extension of the Government's control over all Lebanese territory also remains contingent on a resolution of the continued Israeli presence in the northern part of Ghajar. The issue continues to be discussed through the tripartite meeting channel, and I expect it to be resolved in accordance with the Security Council's recent presidential statement.

C. Disbanding and disarmament of Lebanese and non-Lebanese militias

35. As I have stated previously, it is my belief that the disarmament of Lebanese and non-Lebanese militias must take place through a political process that will lead to the full affirmation of the authority of the Government of Lebanon throughout all of its territory. Such a political process presupposes, in the first instance, dialogue and a spirit of cooperation between the various political forces in Lebanon. As such, resolution of the ongoing political crisis in Lebanon — which primarily revolves around the question of the international tribunal and the establishment of a national unity Government — is a necessary precondition for such a far-reaching political process.

36. At the same time, the enforcement of the arms embargo imposed by resolution 1701 (2006) and the cooperation of parties outside Lebanon, in particular the Syrian Arab Republic and the Islamic Republic of Iran, remain a key ingredient in ensuring that such a political process can proceed and is not undermined by parties and groups extending their political power through the acquisition of arms. I stated in Damascus on 24 April that the Syrian Arab Republic should support the disbanding and disarming of all armed groups in Lebanon, consistent with its commitment to the implementation of resolution 1701 (2006).

37. In recent months, there has been no discussion among Lebanese political leaders about such a political process leading to the disbanding and disarmament of Lebanese and non-Lebanese militias. On the contrary, in the context of the enduring crisis, there have been mounting reports and increasing media speculation that a variety of Lebanese groups are expanding their existing weapons arsenals or are reacquiring a weapons capacity.

38. In the context of the prolonged political crisis that has paralysed Lebanon, fears have frequently been voiced that even the uneasy interim status quo maintained in the aftermath of the civil war — under which most Lebanese political groupings, except for Hizbullah had given up their armed capacities — may unravel, lead to widespread rearming and thus raise the spectre of a renewed confrontation among the Lebanese. The United Nations has not been able to investigate in-depth the empirical basis for such fears. I am deeply concerned, however, that the existing public and media discourse — whether based on evidence or speculative — may in fact accelerate, if not prompt, a domestic arms race in Lebanon, with unforeseeable consequences.

39. I have noted above and in my recent report (S/2007/147) the assertion put forward by the Syrian Arab Republic that some Lebanese groups are receiving arms from Israel. There has also been media speculation that Israel and other parties inside and outside the region are providing weaponry to groups aligned with the 14 March movement. The United Nations has not received any evidence substantiating such claims.

40. The Government of Lebanon has informed me that, on 21 December 2006, Lebanese security forces raided homes of a number of members of the Syrian Socialist Nationalist Party in northern Lebanon, discovering a considerable amount of weaponry and explosives of different types. The Lebanese authorities also made this information public. The head of the Party released a statement, according to which the raid had been politically motivated and the weapons found had been remnants from Lebanese resistance against the Israeli occupation in the 1980s.

41. The Government of Lebanon has also informed me that, on 3 March 2007, Lebanese customs authorities apprehended a private car in the Mt. Lebanon area, seizing 25 new Kalashnikov rifles, as well as six boxes containing 700 bullets each and 50 chargers. This information was also made public in Lebanon.

42. As concerns the Palestinian militias in Lebanon, there has been no progress or action towards the disarming and disbanding of such groups. My Special Representative has continued his dialogue with the representative of the Palestine Liberation Organization in Lebanon, who is also in close contact with the Lebanese authorities on all issues of mutual concern.

43. As I outlined in my report of 14 March 2007 (S/2007/147), Hizbullah has claimed that it is strengthening its capacity and rebuilding its armed presence, that it is present in southern Lebanon, close to the Blue Line, and that it has plenty of weapons and asserts the right to transport its arms within the country in order to combat Israel. Israel has also frequently asserted that Hizbullah is rebuilding its presence and infrastructure in south Lebanon and that it continues to receive weaponry through the Syrian-Lebanese border. I also outlined in that report that UNIFIL received no reports of unauthorized armed personnel in the area during the period under review, except for local hunters and Palestinian armed elements, who are largely confined to the refugee camps. In addition, I wrote that joint efforts by the Lebanese Armed Forces and UNIFIL have not detected illegal transfers of arms to the area south of the Litani River.

44. As I have referred to in my recent report, on 8 February 2007, Lebanese authorities intercepted a truck containing rockets, rocket launchers and mortars in an east Beirut suburb. The Government of Lebanon has now informed me that the truck

had originally been seized by Lebanese customs officials on the Beirut-Damascus highway between Shtoura and Dahr al-Baydar in Lebanon, and had then been transferred for a detailed search to Beirut. The customs officials found a significant number of mortars, mortar shells, rockets and flares in the truck. In a statement released to the media, Hizbullah acknowledged that "a truck carrying ammunition for the resistance from the Beqaa to the south" had been seized, and demanded that "the concerned authorities must return the truck and the ammunitions to the resistance". Such activities would constitute a violation of resolutions 1559 (2004) and 1701 (2006).

45. The Government of Lebanon has further informed me that on 2 March 2007, three persons were captured by the Lebanese authorities with three Strella missiles in the vicinity of Nabatieh. The incident also stands in contradiction to the provisions of resolution 1559 (2004).

46. Hizbullah has accused other groups of stockpiling weapons in secrecy, and has publicly acknowledged remaining an armed militia, in defiance of resolution 1559 (2004).

47. In other public addresses, Nasrallah appeared to reject the notion that Hizbullah was a "state within a state," drawing into question the very authority of the Lebanese State. He also appeared to condition the disarmament of his group ("the solution to the resistance issue") on the establishment of "a strong state and a strong army". In this context, I recall the observations, made in previous reports on the implementation of resolution 1559 (2004) (S/2005/673 of 26 October 2005 and S/2006/248 of 19 April 2006), that in implementing the 1989 Taif Agreement, the majority of Lebanese militias merged into the Lebanese Armed Forces during the 1990s, in accordance with the Taif Agreement's provision that the "disbanding of all Lebanese and non-Lebanese militias shall be announced", and that "the militias' weapons shall be delivered to the Government of Lebanon within a period of six months", beginning with the ratification of the Agreement. I note that the establishment of a strong State and a strong army logically follows, rather than precedes, the disarming and disbanding of militias, the integration of their military capacities into the regular armed forces, and their commitment to participate in the democratic political process.

48. Against this background, I also emphasize the importance of cooperation by regional parties that maintain ties with Hizbullah. The full implementation of the arms embargo imposed by resolution 1701 (2006) is an indispensable element in decreasing the tension and conflict potential that currently exists in Lebanon and in paving the ground for the disarming and disbanding of all Lebanese and non-Lebanese militias. It is also an obligation imposed by the Security Council's resolutions on all Member States.

49. I also reiterate once again the call on all those parties with the ability to influence Hizbullah to support its transformation into a solely political party, consistent with the requirements of the Taif Agreement, as a means to achieve the full disarmament of all Lebanese and non-Lebanese militias.

50. The eventual disarmament of Hizbullah in the sense of the completion of its transformation into a solely political party, consistent with the requirements of the Taif Agreement, is a key element in ensuring a permanent end of the hostilities and a critical provision to be realized in the implementation of resolution 1701 (2006) and

in the full restoration of Lebanon's sovereignty, territorial integrity and political independence. In addition, it is my firm conviction that rivalry and antagonism between different factions in Lebanon must finally be channelled into a framework of political competition, rather than continuously imply the risk of an escalation into armed confrontation. The disarmament and disbanding of all militias in Lebanon will be an important step in this regard.

D. Presidential election process

51. The issue of the Lebanese presidency is now once again becoming a prominent political issue in Lebanon. Since the adoption of resolution 1559 (2004) in September 2004, regrettably, there has been no free and fair electoral process in Lebanon's presidential election conducted according to Lebanese constitutional rules devised without foreign interference or influence. In its presidential statement of 30 October 2006 (S/PRST/2006/43), the Security Council noted again with regret that some provisions of resolution 1559 (2004) had yet to be implemented, including free and fair presidential elections conducted according to the Lebanese constitutional rules, without any foreign interference and influence.

52. The parliamentary majority represented by the 14 March alliance continues to maintain that President Lahoud's continued presence in office is illegitimate. I have also taken note of the recent petition signed by 70 members of Parliament in favour of a parliamentary session to ratify the statutory agreement on the international tribunal for Lebanon, in which signatories justified their resort to a petition with reference to "the position of the President of the Republic, whose mandate was extended in contravention of Security Council resolution 1559 (2006), and who continues in his attempt to obstruct the constitutional prerogatives of the legitimate government of Lebanon".

53. In the coming months, the extended term of President Lahoud will be coming to an end. A new president will have to be elected, in an electoral process that should be free and fair and be conducted according to Lebanese constitutional rules devised without foreign interference or influence, in accordance with resolution 1559 (2004). Such an election will also help revive the ordinary and constitutional political process in Lebanon.

III. Observations

54. Since the report of 19 October 2006 on the implementation of resolution 1559 (2004) (S/2006/832), further progress has been achieved to consolidate the arrangements established by resolution 1701 (2006), which provides an enabling framework for Lebanon's stabilization and its return onto the path towards reasserting its sovereignty, territorial integrity, and political independence, which the country had been pursuing prior to last summer's war. To date, however, resolution 1559 (2004) has not yet been implemented in full.

55. The prolonged political crisis and uncertainty that has haunted Lebanon over the past few months illustrates that the provisions of resolution 1559 (2004) remain as relevant as they were when the resolution was first adopted. Since September 2004, Lebanon has undergone a momentous transition, in partnership with the

United Nations. Most importantly, the country elected a Government that continues to enjoy democratic legitimacy bestowed on it by a process of free and fair parliamentary elections, under the supervision of international monitors. However, the transition has not yet been completed, and indeed, has suffered tremendous setbacks.

56. The enduring standoff also demonstrates that Lebanon is in need of a comprehensive and, most importantly, consensual political framework, as manifested in the Taif Agreement. This framework also necessitates the renewed support and engagement of all relevant external parties and supporters of Lebanon. Without it, and without an end to the stifling crisis, Lebanon will not be able to make much further progress towards reasserting its sovereignty, territorial integrity, and political independence, or to sustain such progress in the long term. I have taken positive note of the assurances I have received from President Assad and other senior Syrian officials during my talks in Damascus on 24 April, and look forward to their realization in practice.

57. On the domestic level, a resolution of the current crisis will have to encompass discussion of and agreement on the issue of the Lebanese presidency. In the first report, of 1 October 2004, on the implementation of resolution 1559 (2004) (S/2004/777), the belief was stated that "Governments and leaders should not hold on to office beyond prescribed term limits". The divisive issue of President Lahoud's extended term in office will soon no longer be of relevance. What will be of relevance, however, is that the process of the presidential election will be free and fair, be conducted according to Lebanese constitutional rules devised without foreign interference or influence, in accordance with resolution 1559 (2004).

58. Neither the current political crisis in Lebanon nor the overall implementation of all provisions of resolution 1559 (2004) is a purely domestic matter. As has long been the case, the fate of Lebanon remains tied up with broader regional trends and concerns. On one level, this relates to the Arab-Israeli conflict and efforts to attain a just, comprehensive and lasting peace for all peoples in the region. On another level, this relates to the full implementation of not just resolution 1559 (2004), but also resolutions 1680 (2006) and 1701 (2006), as well as, insofar as it is relevant, resolution 1747 (2007).

59. Most importantly, the subject of the allegations that illegal arms trafficking is taking place clandestinely via the Syrian-Lebanese border needs to be addressed, since any form of weapons smuggling inherently undermines the authority of the Government and its monopoly on the legitimate use of force. I was and remain concerned over the extent and detail of the reports. I call on all relevant parties, in particular the Governments of the Syrian Arab Republic and of the Islamic Republic of Iran, to ensure the full implementation of resolutions 1559 (2004) and 1701 (2006).

60. In this context, I reiterate my belief that the establishment of formal diplomatic relations between the Syrian Arab Republic and Lebanon and the delineation of the Syrian-Lebanese border are essential measures to affirm the strict respect for Lebanon's sovereignty, territorial integrity, and political independence of Lebanon and enable the full implementation of all provisions of resolution 1559 (2004). I expect that the Syrian Arab Republic and Lebanon, in the context of a resolution of the current political crisis in Lebanon, will make progress towards a bilateral agreement on these elements. With regard to the Shab'a Farms, I am continuing my

work to examine the geographical definition of the area. I also wish to call for the Syrian Arab Republic and Lebanon to address in their bilateral contacts the issue of Lebanese detainees in Syrian custody.

61. I have noted the diverse allegations coming from various sides and parties as concerns illegal arms trafficking and the possible arming of a variety of Lebanese and non-Lebanese groups. All these are of great concern. I am deeply worried that the political crisis in Lebanon may be deepened and exacerbated by the allegations and related speculation. Most importantly, fears of and speculation fuelling a process of widespread rearmament of political groups in Lebanon have raised the spectre of return to Lebanon's darkest days. This must not happen.

62. Hizbullah's arms continue to pose a key challenge to the Government's monopoly on the legitimate use of force and all efforts to reassert Lebanon's sovereignty, territorial integrity and political independence. I reiterate my conviction that the disarmament of Lebanese and non-Lebanese militias must take place through a political process, which in the first instance depends on a resolution of the current political crisis and the establishment of dialogue and consensus on a number of the most pressing issues. At the same time, the full implementation of the arms embargo imposed by resolution 1701 (2006) is an indispensable element in decreasing the tension and conflict potential that currently exists in Lebanon and in paving the ground for the disarming and disbanding of all Lebanese and non-Lebanese militias. All regional parties concerned, in particular the Syrian Arab Republic, must lend their support to this process. I note positively in this regard my conversation with President Assad on the relevant issues.

63. In addition, the domestic and regional political process must also return to addressing the issue of the Palestinian militias, in accordance with the agreements reached in last year's national dialogue.

64. All regional and extraregional parties are called upon to provide all necessary support. With the efforts to implement in full resolution 1701 (2006), much progress has been achieved. I thank all troop contributors to UNIFIL, all providers of bilateral technical assistance, and all donor countries. I also wish to commend the Lebanese Armed Forces, in particular, for the important role they have played in recent months in their efforts to establish the Government's monopoly on the legitimate use of force and extend its authority throughout all of Lebanon's territory.

65. I reiterate my call on all parties and actors to support Lebanon's reconstruction and political transformation, and to urgently take all enabling measures to this end, as outlined in the Taif Agreement and in resolutions 1559 (2004), 1680 (2006), and 1701 (2006).

66. I will continue my efforts for the purpose of the full implementation of these and all other relevant Security Council resolutions pertaining to the restoration of the territorial integrity, full sovereignty, and political independence of Lebanon and the achievement of a just, lasting and comprehensive peace throughout the entire Middle Eastern region, consistent with all relevant Security Council resolutions, especially resolutions 242 (1967) and 338 (1973).